

**REPLACE IN ITS ENTIRETY SECTION 6.6. LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS WITH A NEW SECTION 6.6 SOLAR PHOTOVOLTAIC INSTALLATIONS AS shown below:**

## **6.6 SOLAR PHOTOVOLTAIC INSTALLATIONS**

**6.6.1 Purpose.** The purpose of this by-law is to provide a permitting process for solar photovoltaic installations for cost-effective, efficient, and timely implementation to increase the use of distributed generation; to integrate these installations into the Town in a manner that minimizes their impacts on the character of neighborhoods, on property values, and on the scenic, natural and historic, and environmental resources of the Town; to protect health and safety; and to provide adequate financial assurance when such installations are decommissioned or removed.

**6.6.2 Applicability.** This section applies to solar photovoltaic installations proposed to be constructed after the effective date of this bylaw amendment. This section also applies to modifications that alter the type, number, configuration or size of any existing solar photovoltaic installation.

### **6.6.3 Definitions.**

**Applicant:** A person or entity that has ownership of a lot(s) that may apply to construct a solar photovoltaic installation. The applicant for a project may also be an individual who has a property interest in the proposed address. Interest may be demonstrated by one of the following:

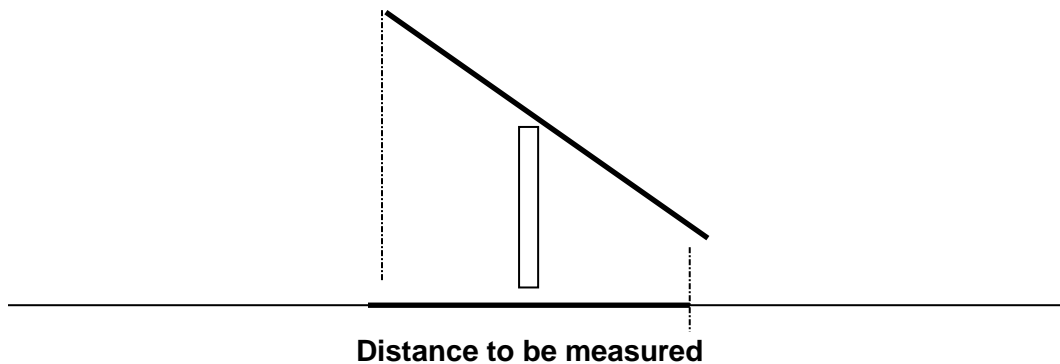
- a. An option to purchase the proposed site;
- b. A lease;
- c. A legally enforceable agreement to give such title; or
- d. Binding permission to use the premises for a solar photovoltaic installation from the owner of said lot(s).

**As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Becket Building Inspector and the Planning Board.

**Building Permit:** A construction permit issued by an authorized licensed building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing solar photovoltaic installations.

**Commercial Use:** The sale of electric power generated on-site by a small scale or roof mounted solar photovoltaic installation that exceeds on-site use.

**Impervious Area of a Solar Panel:** The area of impervious surface of a solar panel shall be calculated as if the solar panel projects straight down to the ground on each side, as illustrated in the figure below.



**Large-Scale Solar Photovoltaic Installation:** A ground-mounted solar photovoltaic installation that occupies more than one eighth (1/8th) of an building acre up to a maximum of 50 acres and generates electricity for the purpose of off-site use.

**Operator:** A person or entity that is primarily responsible for the daily operation of a solar photovoltaic installation.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC). The manufacturer typically specifies this output with a "nameplate" on the equipment.

**Roof or Building-Mounted Solar Photovoltaic Installation:** A roof-mounted or building-mounted solar photovoltaic installation of any size that is permanently mounted on a building or other inhabitable structure.

**Small-Scale Solar Photovoltaic Installation:** A ground-mounted solar photovoltaic installation that occupies one eighth (1/8th) of a building acre or less and generates electricity for the purpose of on-site use. The photo-voltaic system is structurally mounted on the ground and is not building mounted.

**Special Permit Granting Authority (SPGA):** The Planning Board shall be the Special Permit Granting Authority (SPGA) for solar photovoltaic installations.

**Solar Photovoltaic Installation:** A device, structure, or structural design feature, the substantial purpose of which is to provide for the generation, collection, storage and distribution of solar energy.

**Site Plan:** Under § 9.3.2 Special Permits Criteria the Planning Board is directed to consider the criteria and guidelines specified in § 9.4.5. to evaluate the sites suitability.

**Solar Photovoltaic Array:** An arrangement of solar photovoltaic panels.

#### **6.6.4 ROOF OR BUILDING-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS.**

**By Right Use:** A roof or building-mounted solar photovoltaic installation is allowed by right only after the issuance of a building permit by the Building Inspector.

**Special Permit:** Roof mounted solar photovoltaic installations shall not protrude above the highest point of the roofline except by special permit or upon a finding that a waiver is in the public interest and that the waiver is consistent with the intent of the Zoning Bylaws.

#### **6.6.5 SMALL-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS.**

**6.6.5.1 Use:** A small-scale solar photovoltaic installation may be allowed as a primary use or an accessory use after the issuance of a Special Permit by the Planning Board, in accordance with this section and Section 6.6.3 “Special Permit Granting Authority”.

**6.6.5.2 Building Permit and Inspection:** A small-scale solar photovoltaic installation may only be constructed or materially modified after the issuance of a building permit by the building inspector.

##### **6.6.5.3 Design Requirements.**

**A. Height.** A small-scale solar photovoltaic installation shall not exceed twenty feet (20') in overall height.

**B. Setbacks.** A small-scale solar photovoltaic installation shall not be placed closer than forty feet (40') to the street line or twenty feet (20') from side or rear lot lines.

**C. Screening.** A small-scale solar photovoltaic installation shall be screened year round with dense native vegetation from all adjoining properties and public and private ways. This requirement may be waived by the Planning Board.

**D. Vegetation Clearing.** The clearing of vegetation shall be limited to that which is necessary for the construction, operation, maintenance, modification and removal of a small-scale solar photovoltaic installation.

**E. Habitat Fragmentation.** A small-scale solar photovoltaic installation shall, to the greatest extent practicable, be clustered and located in or adjacent to areas of the site where the land has already been cleared of vegetation to avoid habitat fragmentation.

**F. Invasive Species.** The introduction of invasive species shall be prevented to the greatest extent practicable, during any construction or removal of a solar photovoltaic installation, through the use of current best practices.

**G. Underground Utilities.** All on-site utilities shall be located underground to the greatest extent practicable.

**H. Size and Dimensions.** A small scale ground-mounted solar photovoltaic installation is limited to one eighth (1/8th) of a building acre. This requirement may be waived by the Planning Board provided the electricity generated is solely for the purpose of on-site use.

**6.6.5.4 Application Submission of a Small Scale Photovoltaic.** The application packet must contain all appropriate application fees, application forms, and appropriate number of all plans supporting documentation set forth in 9.4.3 of the Zoning Bylaws of Becket. The application is to be submitted to the Town Clerk. The Town Clerk shall stamp the application with the date and time the packet was received and shall notify the chair of the Planning Board of a submitted packet. Applications to construct or modify a small-scale solar photovoltaic installation must be submitted to the Planning Board in the form of site plan(s). The application package must include seven (7) physical copies and one (1) electronic copy in PDF format provided on a flash drive, CD or similar electronic version, or transmitted via email. The site plan(s) must include the following information, unless waived by the Special Permit from the Planning Board:

- A.** The names, mailing addresses, phone numbers, email addresses, and signatures of the owners.
- B.** Physical address (if one exists) and the map, lot and block number of the proposed site.
- C.** Property lines of the proposed site.
- D.** Outlines of all existing and proposed buildings and structures on the proposed site.
- E.** Distances from the proposed small-scale solar photovoltaic installation to the nearest point of the front, side and rear property lines.
- F.** Height of the proposed small-scale solar photovoltaic installation.
- G.** An official boundary survey by a Registered Land Surveyor (RLS) showing topographic detail, and if there are wetlands on the proposed site within one hundred feet (100') of the proposed small-scale solar photovoltaic installation, the wetlands need to be delineated.
- H.** All necessary permits from the Conservation Commission to insure compliance with the local, state and federal requirements including the Wetlands Protection Act, G.L. c. 141§ 40 et seq., shall be obtained by the applicant prior to Site Plan Review by the Planning Board.
- I.** Any vegetation to be removed or altered.

**6.6.5.5 Lapse of Approval.** Any Special permit shall automatically lapse if the small-scale solar photovoltaic installation is not installed and functioning within two (2) years or the small-scale solar photovoltaic installation is abandoned as defined in Section 6.6.5.6.

#### **6.6.5.6 Abandonment and Removal**

- A.** A small-scale solar photovoltaic installation which is in disrepair and has not been in operation for a period of twelve (12) months shall be deemed abandoned.
- B.** After twelve (12) months of non-operation, the Building Inspector shall provide written notification to the owner/operator that such small-scale solar photovoltaic installation is presumed to be abandoned. The owner/operator has thirty (30) days to rebut the presumption of abandonment by submitting evidence to the Building Inspector that the small-scale solar photovoltaic installation has been in operation during the relevant twelve (12) month period.

**C.** If the owner/operator does not respond within the thirty (30) day appeal period or does not submit evidence that, in the discretion of the Building Inspector, proves that the small-scale solar photovoltaic installation has been in operation for the relevant twelve (12) month period, then the small-scale solar photovoltaic installation shall be deemed abandoned. The Building Inspector shall provide written notification of abandonment to the owner/operator.

**D.** The owner/operator of the small-scale solar photovoltaic installation shall remove the installation and restore the site within one-hundred eighty (180) days of the date of the written notification of abandonment. If the owner/operator fails to remove the small-scale solar photovoltaic installation within one-hundred eighty (180) days, the Town shall have the right, to the extent it is duly authorized by law, to enter onto the site and physically remove the small-scale solar photovoltaic installation and restore the site at the sole expense of the owner/operator.

**6.6.5.7 Proof of Liability:** Proof of liability insurance in an amount and form acceptable to the Planning Board shall be maintained throughout the life of a small-scale solar photovoltaic installation up until the time it is removed. Proof of liability insurance in the form and amount approved by the Planning Board shall be provided to the Building Inspector on an annual basis. All subsequent owners/operators shall continue to provide proof of liability insurance in the form and amount approved by the Planning Board to the Building Inspector on an annual basis.

#### **6.6.6 LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS.**

**6.6.6.1 Use:** A large-scale solar photovoltaic installation may be allowed as a primary use or an accessory use after the issuance of a Special Permit from the Planning Board in accordance with Section 3.0 Industrial Uses; "Special Permit Granting Authority."

##### **6.6.6.2 Pre-Application Conference.**

Prior to the submission of an application for a large-scale solar photovoltaic installation, applicants are required to meet with the Planning Board at a public meeting to discuss the proposed large-scale solar photovoltaic installation project and to clarify the filing requirements and permitting process. The applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the SPGA and the public of the location of the proposed large-scale solar photovoltaic installation, as well as its overall scale and design.

##### **6.6.6.3 Siting Criteria.**

**A. Impact Mitigation:** Large-scale solar photovoltaic installations shall be located so as to minimize the potential impacts on the following:

- (1) Visual/aesthetic: shall, when possible, be sited off ridge lines to locations where their visual impact, including glare or reflection, is least detrimental to valuable historic and scenic areas, and established residential areas;
- (2) General health, safety, and welfare of residents;
- (3) Diminution of residential property values; and
- (4) Safety, as in cases of attractive nuisance.

##### **B. Preferences:**

- (1) The use of municipal land, which comply with other requirements of this section and where visual impact can be minimized and mitigated, shall be encouraged.
- (2) The use of land distant from higher density residential properties and where visual impact can be minimized and mitigated shall be encouraged.
- (3) Use of land, other than that which results in significant loss of land and natural resources, including farm and forestland.

**C. Percentage Cover Limitations.** No Large-scale solar photovoltaic installations greater than 50 acres in size shall be permitted that would cover more than 30% of the area of the tax parcel on which the proposed installation is to be built. The SPGA may consider a waiver of this requirement,

#### 6.6.6.4 Design Requirements.

**A. Height.** A large-scale solar photovoltaic installation shall not exceed twenty feet (20') in overall height.

**B. Setbacks.** A large-scale solar photovoltaic installation shall not be placed closer than one hundred feet (100') to the street line or fifty feet (50') from side or rear lot lines.

**C. Lighting.** Lighting of large-scale solar photovoltaic installations shall be consistent with local, state and federal law. There shall be no lighting of any parts of the installation other than as mandated under such laws. Appurtenant structures that may require illumination, shall be limited to that required for safety and intrusion purposes and shall be directed downward and shall incorporate full cut-off fixtures. Lighting shall be shielded from abutting property.

**D. Landscaping/Buffer Requirements.** Appropriate land capping and vegetative buffer shall be installed adequate to visually screen the solar energy system from the boundary of any abutting residential properties that would have a direct view of the proposed installation and any public or private ways unless a natural undisturbed vegetative landscape exists. The landscaped buffer must be sufficiently dense to block the view of the project from all dwellings abutting the property. The applicant shall submit a Landscape Plan as part of the special permit and/or site plan approval application. Tall landscaping in the required buffer areas shall be properly maintained. Landscaping shall be designed in an environmentally sensitive manner with non-invasive drought tolerant native plants, so as to reduce irrigation needs. Landscape plants shall be monitored for at least two (2) growing seasons. The Planning Board may waive the landscaping and buffer requirement.

**E. Vegetation.** The clearing of vegetation shall be limited to that which is necessary for the construction, operation, maintenance, modification and removal of a large-scale solar photovoltaic installation. Herbicides may not be used to control vegetation at the solar electric installation. Mowing is preferred but the use of pervious pavers or geotextile materials underneath the solar array are possible alternatives. Planting design shall include details of the types and size of plant materials.

**F. Habitat Fragmentation.** A large-scale solar photovoltaic installation shall, to the greatest extent practicable, be clustered and located in or adjacent to areas of the site where the land has already been cleared of vegetation to avoid habitat fragmentation.

**F. Wildlife Corridors.** Large-scale solar photovoltaic installations shall be designed and constructed to optimize the maintenance of wildlife corridors.

**G. Invasive Species.** The introduction of invasive species shall be prevented to the greatest extent practicable, during any construction or removal of a solar photovoltaic installation, through the use of current best practices.

**H. Security Measures.** A large-scale solar photovoltaic installation shall be secured with a seven foot (7') high fence with a six inch (6") gap at ground level constructed to prevent unauthorized persons from accessing the large-scale solar photovoltaic installation.

**I. Signage.** The owner/operator shall install signs at a large-scale solar photovoltaic installation as determined by the Planning Board for public safety and shall include 24-hour emergency contact number(s). No signage is otherwise permitted.

**J. Emergency Access.** A large-scale solar photovoltaic installation and access roads shall be constructed and maintained to allow for safe access by emergency vehicles.

**K. Emergency Response Plan.** The owner/operator of a large-scale solar photovoltaic installation shall develop an emergency response plan and provide copies to the Town's fire chief, police chief and emergency management director and provide them with a copy of the project summary, electrical schematic, and site plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

**L. Underground Utilities.** All on-site utilities shall be located underground except where the utilities connect into the electric grid if required by the utility provider.

**M. Appurtenant Structures.** All appurtenant structures to such solar installations shall be subject to reasonable regulations concerning the bulk and height of structures and determining lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

**N. Roads and Land Clearing.** Access roads shall be constructed to minimize grading, removal of stone walls or street trees, and minimize impacts to environmental or historical resources.

**O. Hazardous Materials.** Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP Regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outside environment. If hazardous materials are utilized within the solar electric equipment, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

**P. Noise.** The operation of a large-scale solar photovoltaic installation and appurtenant equipment shall not increase the background ambient noise level by greater than five (5) dBA measured at the property lines.

**6.6.6.5 Application Submission of a Large Scale Photovoltaic.** The application packet must contain all appropriate application fees, application forms, and appropriate number of all plans supporting documentation set forth in 9.4.3 of the Zoning Bylaws of Becket. The application is to be submitted to the Town Clerk. The Town Clerk shall stamp the application with the date and time packet received and shall notify the chair of the Planning Board of a submitted packet. Applications to construct or modify a large-scale solar photovoltaic installation must be submitted to the Planning Board in the form of site plan(s). The application package must

include seven (7) physical copies and one (1) electronic copy in PDF format provided on a flash drive, CD or similar electronic version, or transmitted via email. The site plan(s) must include the following information unless waived by the Special Permit from the Planning Board.

**6.6.6.6 Filing Requirements.** The site plan(s) must include the following information:

**A. Contact Information.** The names, mailing addresses, phone numbers, email addresses, and signatures for the applicant, owner and operator.

**B. Site Identification.** Identify the location of the proposed large-scale solar photovoltaic installation. Provide the street address, if any, and the tax map and parcel number(s).

**C. Location Map.** A relevant portion of the most recent USGS Quadrangle Maps at a scale of 1" = 25,000' or similar scale showing the proposed large wind energy system site, associated roadways, transmission lines and the area within at least a two mile radius of the proposed site.

**D. Vicinity Map.** A map of the proposed large wind energy system site at a scale of 1" = 300' or similar scale, with existing contour intervals no greater than ten (10') feet showing the entire area within a ½ mile radius of the proposed large wind energy system, showing existing topography, public and private roads, recreation trails, property lines of all lots, structures including their use, historic sites, cultural sites, wetlands, known critical habitat areas, other environmentally sensitive areas, location of existing and proposed electric distribution lines, transformers, substations, and access easements.

**E. Site Plan.** A site plan with a scale of 1" = 40', unless otherwise noted with contour intervals no greater than two (2') feet showing the following:

- (1) Property lines of the proposed large-scale solar photovoltaic installation site and adjacent parcels within six hundred feet (600') of the proposed site.
- (2) Existing and proposed public and private roads, driveways, and recreational trails.
- (3) Representations, dimensioned and to scale, of the proposed large-scale solar photovoltaic installation including, but not limited to, associated equipment and structures, fencing, electric distribution infrastructure, parking and access roads.
- (4) All proposed changes to the existing site, associated roadways and transmission lines, including but not limited to areas of temporary clearing, areas of permanent clearing, areas of grading, and areas of cut and fill.
- (5) Delineation of all wetland resource areas and buffers on the proposed large-scale solar photovoltaic installation site in accordance with the Massachusetts Environmental Policy Act (MEPA) guidelines and regulations, associated roadways and transmission lines.
- (6) Location of known habitat areas for rare species, endangered species and species of special concern in accordance with the Natural Heritage Endangered Species Program (NHESP) guidelines and regulations.
- (7) A cross section of the proposed access road indicating its width, crown, depth of gravel, drainage, and paving or other surface material.

**F. Elevations.** Siting elevations or views at grade from north, south, west and east. Elevations shall be at one-quarter inch equals one foot or similar scale and show the following:

- (1) The proposed large-scale solar photovoltaic installation, associated equipment, existing and proposed structures, and security barriers with total elevation dimensioned.
- (2) Existing and proposed trees and shrubs at the time of application with approximate elevations dimensioned.

**G. Layout.** Detailed layout of the proposed large-scale solar photovoltaic installation, including, but not limited to, panel mounts, foundations, appurtenant equipment and fencing type and height. Detailed layout of the electric infrastructure to connect the large-scale solar photovoltaic installation to the electric grid or net metering equipment.



**H. Engineering Controls.** Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection's Storm Water Policy.

**I. Technical Information:**

- (1) Blueprints or drawings of a large-scale solar photovoltaic installation signed by a registered Professional Engineer (PE) and Registered Land Surveyor (RLS) licensed to practice in Massachusetts showing the proposed layout of the installation and any potential shading from nearby trees or structures.
- (2) One or three-line electrical diagram detailing the solar photovoltaic installation appurtenant equipment and electrical interconnection methods with all National Electric Code compliant devices.
- (3) Documentation of the major large-scale solar photovoltaic installation components to be including but not limited to solar photovoltaic panels, panel mounts and inverter.

**6.6.6.7 Building Permit and Inspection:** A large-scale solar photovoltaic installation may only be constructed or materially modified after the issuance of a special permit issued by the Planning Board and a building permit by the building inspector. The construction, maintenance, operation, modification and removal of a large-scale solar photovoltaic installation shall comply with all applicable local, state, and federal requirements.

**6.6.6.8 Ownership:** The applicant shall demonstrate ownership over the proposed site sufficient to allow for the construction and operation of a large-scale solar photovoltaic installation.

**6.6.6.9 Utility Provider Approval:** The applicant shall demonstrate that it has received conditional approval to connect a large-scale solar photovoltaic installation to the electric grid from the utility provider. Off-grid installations are exempt from this requirement.

**6.6.6.10 Operation and Maintenance Plan:** The owner/operator of the large-scale solar photovoltaic installation shall maintain the site, at their own expense, according to an Operation and Maintenance Plan (OMP) to be submitted with the Special Permit application. The OMP shall be reviewed and approved by the local Fire Chief, Emergency Medical Service and Highway Superintendent, and/or their designee(s). The OMP shall also specify whether the owner or the operator is responsible for compliance with the plan. At the time of approval of the Site Plan Review, the permit/approval granting authority shall specify one party, either the owner or operator, who shall have the responsibility for compliance with this section. While the Planning Board may impose site specific requirements to be addressed by the OMP, the OMP shall describe the method of maintenance and party responsible for each of the following:

- A. Access roads
- B. Site access
- C. Storm water control measures
- D. Security measures
- E. Signage

**F.** Site lighting

**G.** Structural repairs, including the solar photovoltaic installation equipment

**H.** Vegetation and vegetation screening

**I.** Facility shall be maintain in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

**6.6.6.11 Findings Required.** In addition to the findings required in **Section 6.6.3** before granting a Special Permit for a large-scale solar photovoltaic installation, the Planning Board shall find that the proposed large-scale solar photovoltaic installation:

**A.** Is not detrimental to the long term agricultural viability of the Town.

**B.** Minimizes the amount of clearing of forested land.

**C.** Is not sited on ridgelines.

**D.** Is not detrimental to important scenic views or vistas in the Town.

**6.6.6.12 Technical Review.** Upon receipt of an application for a large-scale solar photovoltaic installation, the Planning Board, may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. Chapter 44 § 53G to assist the Special Permit Granting Authority with its review of application materials. The Planning Board may direct the applicant to deposit funds with the Planning Board for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the Special Permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.

**6.6.6.13 View Shed Analysis.** A view Shed Analysis regarding the proposed large-scale solar photovoltaic installation and its relation to surrounding properties may be required upon request by the Special Permit Granting Authority.

**6.6.6.14 Request of Production Report.** Upon issuance of a Special Permit, the Planning Board shall require a production report annually from the applicant that demonstrates the functionality of the large-scale solar photovoltaic installation.

**6.6.6.15 Lapse of Approval.** Any Special Permit shall automatically lapse if less than 10% of the large-scale solar photovoltaic installation is not installed and functioning within two (2) years or the large-scale solar photovoltaic installation is abandoned as defined in Section 6.6.6.17

**6.6.6.16 Damage to Public/Private Ways & Public/Private Lands.**

The applicant shall be responsible for the cost of repairing any damage to public/private ways and public/private lands in the Town of Becket in connection with the transportation, construction, operation, maintenance and decommissioning of the large-scale solar photovoltaic installation system. In furtherance of this section, the Becket Highway Superintendent in conjunction with an independent licensed professional engineer, paid for by the applicant and selected by the town, shall document the condition of all public/private ways and public/private lands prior to installation and decommissioning.

#### **6.6.6.17 Abandonment & Removal.**

**A.** A large-scale solar photovoltaic installation shall be deemed abandoned when less than 10% of the large-scale solar photovoltaic installation has not been in operation for a period of twelve (12) months.

**B.** After twelve (12) months of non-operation, the Building Inspector shall provide written notification to the owner/operator that such large-scale solar photovoltaic installation is presumed to be abandoned. The owner/operator has thirty (30) days to rebut the presumption of abandonment by submitting evidence to the Building Inspector that the large-scale solar photovoltaic installation has been in operation during the relevant twelve (12) month period.

**C.** If the owner/operator does not respond within the thirty (30) day appeal period or does not submit evidence that, in the discretion of the Building Inspector, proves that the large-scale solar photovoltaic installation has been in operation for the relevant twelve (12) month period, then the large-scale solar photovoltaic installation shall be deemed abandoned. The Building Inspector shall provide written notification of abandonment to the owner/operator.

**D.** The owner/operator of the large-scale solar photovoltaic installation shall remove the large-scale solar photovoltaic installation and restore the site within one hundred eighty (180) days of the date of the written notification of abandonment. If the owner/operator fails to remove the large-scale solar photovoltaic installation within one-hundred eighty (180) days, the Town shall have the right, to the extent it is duly authorized by law, to enter onto the proposed site and physically remove the large-scale solar photovoltaic installation and restore the site at the sole expense of the owner/operator.

#### **6.6.6.18 Proof of Liability:**

Proof of liability insurance in an amount and form acceptable to the Planning Board shall be maintained throughout the life of a large-scale solar photovoltaic installation up until the time it is removed. Proof of liability insurance in the form and amount approved by the Planning Board shall be provided to the Building Inspector on an annual basis. All subsequent owners/operators shall continue to provide proof of liability insurance in the form and amount approved by the Planning Board to the Building Inspector on an annual basis.

#### **6.6.6.19 Financial Surety.**

**A.** Prior to construction, applicants seeking to construct a large-scale solar photovoltaic installation shall provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be determined by the Planning Board, but in no instance shall the amount exceed one-hundred twenty-five (125%) percent of the estimated cost of removal. Applicants shall submit a fully inclusive cost estimate, which accounts for inflation, of the costs associated with the removal of the large-scale solar photovoltaic installation prepared by a registered professional engineer. The said cost estimate shall be reviewed by the applicant, or any successor, every five (5) years from the date of the final installation and adjusted as necessary. This updated cost estimate shall be transmitted to the Planning Board.

**B.** No less than ninety (90) days prior to the expiration of any financial surety required by this bylaw, the current operator of the large-scale solar photovoltaic installation shall provide the Building Inspector with renewed, extended or replacement financial surety in an amount and form determined by the Planning Board in accordance with this bylaw.

**6.6.7 Severability:** The provisions of this bylaw are severable, and the invalidity of any section, subdivision, subsection, paragraph or other part of this bylaw shall not affect the validity or effectiveness of the remainder of this bylaw.