

**ARTICLE #06
AMENDMENT #5**

Hampton Zoning Ordinance Amendment

Article 6 – Specific Use Regulations, Section 6.4 Solar Energy Systems
Article 1 - General Provisions, Section 1.5 - Definitions

1.5 Definitions

Accessory Use: A use which is customary, incidental and subordinate to the permitted use of the property. An accessory use must be minor in relation to the permitted use and bear a reasonable relationship to the primary use. Examples of traditional accessory uses include garages, tool sheds, recreational facilities and outdoor pools. **Accessory Use Solar, as described in Section 6.4.6, is also applicable to this definition.** An accessory use with a permanent roof shall also be classified as an accessory building, which is further defined in this Section.

Delete the current Section 6.4 Solar Panels Ordinance in its entirety and replace with the following:

6.4. Solar Energy Systems

6.4.1. Authority

This solar energy system ordinance is enacted in accordance with RSA 674:17(I)(j) and the purposes outlined in RSA 672:1-III-a, 374-G:1, and 362-F:1, as amended.

6.4.2. Applicability

The requirements of this Article shall apply to all solar energy systems permitted, installed, or modified in the Town of Hampton after the effective date of this solar energy system ordinance, excluding general maintenance and repair. All solar energy systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.

6.4.3. Purpose

The Town of Hampton has adopted the following regulations to encourage the efficient and effective development of solar energy systems while protecting the public health, safety, and welfare of its residents.

Solar energy is a valuable energy and economic resource that can be utilized throughout the Town of Hampton for the following purposes:

- a) To align with state goals for developing renewable and clean distributed energy resources in accordance with NH RSAs 374-G:1, and 362-F:1, which highlight the priorities of energy efficiency, fuel diversity, energy security, and stabilization of future energy costs.
- b) To promote sustainable site design techniques, such as the installation of solar energy systems, aligning with the Town of Hampton Master Plan.

- c) To enhance the reliability and resiliency of the local power grid and make more efficient use of the local electric distribution infrastructure.
- d) To promote consumer choice and allow residents, businesses, and public entities to use a readily available, local, renewable energy resource.
- e) To support the development of ground-mounted solar energy systems, where appropriate, as a primary land use.
- f) To diversify the community's energy portfolio and reduce exposure to energy price volatility.
- g) To improve air quality and protect public health.

6.4.4. Definitions

Facility Area: The cumulative land area occupied during the commercial operation of the primary use ground-mounted solar energy system. This shall include all areas and equipment within the facility's perimeter boundary – including the solar energy system, onsite interconnection equipment, onsite electrical energy storage equipment, and any other associated equipment – as well as any site improvements beyond the facility's perimeter boundary such as access roads, permanent parking areas, fencing or other permanent improvements. The facility area shall not include site improvements established for impact mitigation purposes, including but not limited to vegetative buffers and landscaping features.

Grid-Connected Solar Energy System: A solar photovoltaic system that is connected to an electric circuit served by an electric utility company.

Ground-Mounted Solar Energy System: A solar photovoltaic system mounted on a rack or pole, fixed tilt or on a single or dual axis tracker, that is ballasted on, or is attached to, the ground. Ground-mounted systems can be either accessory or primary uses.

- **Large-Scale Ground-Mounted (Primary Use):** A solar energy system where the facility area exceeds 5 acres of land.
- **Mid-Scale Ground-Mounted (Primary Use):** A solar energy system where the facility area is equal to or smaller than 5 acres of land.

Off-Grid Solar Energy System: A solar photovoltaic energy system in which the circuits energized by the solar energy system are not electrically connected in any way to the electric circuits that are served by an electric utility company.

Roof-Mounted Solar Energy System: A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mount systems are accessory to the primary use.

Solar Carport: A solar energy system installed on a carport structure that is accessory to the parking area and may include electric vehicle supply equipment or energy storage facilities for use in electric vehicle charging.

Solar Energy System: A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

Solar Hot Water System: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Photovoltaic System: A solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.

Solar Resource: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 a.m. and 3:00 p.m. Eastern Time on all days of the year and can be measured in annual watts per square meter.

Viewshed: The area of a landscape that is visible from a specific point, determined by the elevation of the terrain. This term is defined to pertain to ground-mounted solar energy systems for the purpose of minimizing visibility to the extent practical from abutting parcels with residential or commercial uses, protected natural areas, or scenic highways through vegetative screening, existing or created topography, or additional setbacks.

6.4.5. Use Requirements

This ordinance includes provisions for different types of solar energy systems. These include Roof-Mounted (Accessory Use), Ground-Mounted (Accessory Use), Mid-Scale Ground-Mounted (Primary Use), and Large-Scale Ground-Mounted (Primary Use). Accessory Use Solar is permitted in all zoning districts in the Town of Hampton. See Section 5.2 for use requirements by zoning district for Primary Use Solar.

6.4.6 Accessory Use Solar

Roof-mounted solar energy systems and ground-mounted solar energy systems are a permitted accessory use within all zoning districts when incidental to one or more permitted primary and/or accessory structure(s). Solar carports and associated electric vehicle charging equipment are also a permitted accessory use for designated parking areas in all districts, or for parking lots where such use may be permitted, but are subject to the dimensional requirements in Section 2.2 and the parking requirements in Section 6.6. All such permitted accessory uses are subject to the following development standards:

1. General Standards for Accessory Use Solar

1. Height

- a) On a pitched/sloped roof, solar energy systems shall be installed parallel to the roof surface, may not extend beyond the edge of the roof peak, and may be no more than ten inches above the roof.
- b) On a flat roof, solar energy systems shall not project vertically more than five (5) feet above a flat roof installation.

- c) Ground or pole-mounted solar energy systems, including solar carports, must not exceed 20 feet in height when oriented at maximum tilt.
 - 2. Setbacks
 - a) Ground-mounted solar energy systems shall comply with the setback requirements of the zoning district in which it will be installed.
 - 3. Location
 - a) Ground-mounted solar energy systems shall only be located in the side or rear yard behind the furthest roadway-facing plane of the primary dwelling structure.
 - 4. Screening
 - a) Roof-mounted and ground-mounted accessory use solar energy systems are exempt from screening requirements.
 - 5. Lot Coverage
 - a) Ground-mounted solar energy systems are exempt from lot coverage and impervious surface requirements if the area under the system contains vegetative ground cover.
 - b) Ground-mounted solar energy systems do not count toward accessory structure limitations.
 - 6. Code Compliance
 - a) Solar energy systems shall comply with local building code and electric code standards.
 - b) Solar hot water systems must comply with local plumbing standards.
 - 7. Approved Solar Components
 - a) Solar energy system components must have UL or equivalent listings.
 - b) Solar hot water systems must have an SRCC rating.
 - 8. Emergency Access
 - a) Roof-mounted solar energy systems shall comply with applicable state and local fire codes to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide areas for smoke ventilation, and provide emergency egress from the roof.
2. Submission Requirements for Accessory Use Solar
- 1. Permitting
 - a) All solar energy systems that are a permitted accessory use require a Building and Electrical Permits prior to installation.
 - b) A Building Permit and/or Electrical Permit is required for any physical modifications to an existing solar energy system.
 - 2. Required Plans
 - a) All ground-mounted solar energy systems requiring a Building Permit must provide a site plan for review, including to-scale drawings, showing the system's location on the property, including property lines. A site plan may be required for roof-mounted systems, at the discretion of the Building Inspector, if site and/or installation factors necessitate said plan.
 - b) Applications that meet the requirements of this ordinance, as an accessory use, will be processed by the Building Inspector and do not require Planning Board review.

- c) Plan approval does not indicate compliance with Building Code or Electric Code.
 - d) Off-grid systems shall be approved by the Building Inspector.
3. Utility Notification
- a) Grid-connected solar energy systems must comply with the interconnection requirements of the local electric utility.
 - b) Grid-connected systems shall file a copy of a final approved interconnection agreement with the Building Inspector prior to operation of the system.

3. Buildings of Historical Significance

- 1. Buildings that are on a National and/or State Historic Register shall be subject to the requirements of the applicable agencies.

6.4.7 Ground-Mounted Solar Energy Systems (Primary Use)

Ground-mounted solar energy systems may be permitted in accordance with the applicable use regulations in Section 5.2, subject to the following design standards and submission requirements.

1. General Standards for Ground-Mounted Primary Use Solar Energy Systems

1. System Layout

- a) Solar energy systems should be laid out with consideration for viewsheds. Conditions may be set to minimize visibility to the extent practical from abutting parcels with residential or commercial uses, protected natural areas or viewsheds, or scenic highways through vegetative screening, existing or created topography, or additional setbacks.

2. Setbacks

- a) Solar energy systems shall be considered structures and shall comply with building setback requirements from lot lines for the entire system – including the panels. No portion of a system may cross into the setback, except any fencing, wiring, and equipment necessary for the utility interconnection.
- b) Solar trackers shall have the setback measured from the point and time where the array is closest to the lot line.

3. Fencing

- a) Fencing shall be installed if required by the electric code or the utility.
- b) Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.
- c) Any necessary fencing must not include barbed wire and the applicant should consider wildlife-friendly fencing where feasible (e.g. clearance at the bottom or larger holes to allow small- and medium-sized animals to pass through).

4. Site Management

- a) Land clearing shall be limited to what is necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land.

- b) Following construction, all cleared land that is not used for agriculture must be vegetated with non-invasive native and naturalized species. The Town of Hampton encourages the use of species that provide beneficial habitat to songbirds, pollinators and/or foraging species. Annual species may be used during the construction phase and first year of establishment post-construction.
 - 5. Stormwater Management
 - a) Ground-mounted solar energy systems shall not be considered impervious surfaces if the area under the system contains vegetative ground cover.
 - b) Ground-mounted solar energy systems are subject to the Town of Hampton’s stormwater management, erosion, and sediment control provisions, and may be subject to NH Department of Environmental Services (NHDES) Alteration of Terrain (AoT) permit requirements.
 - 6. Equipment Specification
 - a) Solar energy system components must have UL or equivalent listings.
 - 7. Emergency Response
 - a) Access to the site for emergency response shall be provided and detailed on the site plan.
2. Submission Requirements for Ground-Mounted Primary Use Solar Energy Systems
1. Site Plan Approval
 - a) All Ground-Mounted Primary Use Solar Energy Systems will require site plan approval.
 - b) A detailed site plan shall be provided showing the installation area of the site, including:
 - i. A clearly defined facility area, including total acreage,
 - ii. Any land clearing or grading required for the installation and operation of the system,
 - iii. The location of all equipment to be installed on site including utility connection point(s) and any energy storage facilities,
 - iv. Access to the site for emergency response, and
 - v. A description of all relevant viewsheds.
 2. Equipment Specification
 - a) All proposed equipment or specifications must be included with the application via manufacturer’s specifications or detailed description.
 3. Operation and Maintenance
 - a) A property operation and maintenance plan shall be provided that describes continuing site maintenance and property upkeep, such as mowing and trimming.
 4. Emergency Response
 - a) A narrative or manual for the Hampton Fire Department detailing response guidance and disconnection locations necessary for fire response, including any on-site energy storage, shall be provided with the permit application.
 - b) Applicants must be prepared to provide, upon request, additional industry guidance documents related to safety procedures for on-site specific equipment.

- c) Contact information for the solar collection system owner/operator shall be posted on site at the access way and provided and updated to the municipality.

3. Abandonment and Decommissioning

A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.

1. Decommissioning of the system must occur in the event the project is not producing power for 12 consecutive months.
2. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and assurances that financial resources will be available to fully decommission the site.
3. Disposal of structures and/or foundations shall meet the provisions of the Town of Hampton Solid Waste Ordinance.
4. The Town of Hampton shall require the posting of a bond to ensure proper decommissioning. The amount of the surety shall be based upon the removal and restoration costs, plus 15%, provided by the applicant and certified by a qualified professional engineer licensed in the State of New Hampshire. This bond shall be posted with the Town prior to construction of any ground-mounted primary use solar energy system.

5.2. Use Definitions and Requirements

Key

P	Permitted (Refer to Section 1.5. Permitted uses may require Site Plan, Subdivision, and/or Use Change approval by the Hampton Planning Board.)
S*	Requires Special Exception from Hampton Zoning Board of Adjustment and Site Plan Review by the Hampton Planning Board (Amended 1985)
X	Prohibited
R	Permitted with Site Plan/Subdivision Review by Planning Board
B	Permitted by Building Inspector

Zoning Districts RAA= Residence AA, RA = Residence A, RB = Residence B, RCS= Residence C-Seasonal, B = Buisness, BS= Buisness Seasonal, I= Industrial, G = General

Term	Description	RAA	RA	RB	RCS	B	BS	I	G	Amended	Section
Solar (Roof-Mounted, Accessory Use)	A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure	P	P	P	P	P	P	P	P		5.2.51.
Solar (Ground-Mounted, Accessory Use)	A solar photovoltaic system mounted on a rack or pole, fixed tilt or on a single or dual axis tracker, that is ballasted on, or is attached to, the ground.	P	P	P	P	P	P	P	P		5.2.52.
Solar (Mid-Scale Ground-Mounted, Primary Use)	A ground mounted (as described in 5.2.52) solar energy system where the facility area is equal to or smaller than 5 acres of land.	X	X	X	X	X	X	X	X		5.2.53.
Solar (Large-Scale Ground-Mounted, Primary Use)	A ground mounted (as described in 5.2.52) solar energy system where the facility area exceeds 5 acres of land.	X	X	X	X	X	X	X	X		5.2.54.