

A Bylaw Establishing Screening Standards for Ground-Mounted Solar Electricity Generation Plants

Adopted by the Town of Fairfax: September 19, 2016

Section 1: Authority

- 1) This bylaw is adopted by the Town of Fairfax under the authority of Title 24, Chapter 117 §4414(15) to adopt screening standards for Ground Mounted Solar Electricity Generation Plants (GMSP).
- 2) The screening requirements in this bylaw are not intended to be more restrictive than screening requirements applied to commercial development in the Fairfax Development Regulations.
- 3) The Fairfax Select Board is hereby designated as the municipal body to make recommendations to the Public Service Board applying this Bylaw to ground-mounted solar electricity generation plants (GMSP).

Section 2: Purpose

The purpose of this bylaw is to:

- 1) Implement the 2013 Fairfax Town Plan, specifically the following goals and policy:

Goal: To preserve the natural, cultural, and historic features and activities which define the rural character and scenic beauty of Fairfax.

Goal: To conserve energy and encourage the use of renewable resources.

Policy: To encourage and enable public and private installation and application of appropriately sited, small scale renewable energy production systems, such as wind energy conversion and photo voltaic systems.
- 2) Ensure that the development of GMSPs are harmonized with their surrounding landscape through the implementation of appropriate screening.

Section 3: Applicability

- 1) The requirements of this bylaw shall apply to all land in the Town of Fairfax, regardless of zoning district.
- 2) This bylaw shall apply to GMSPs that are greater than 15kW (DC). GMSPs 15kW (DC) and less are exempt from this bylaw.

Section 4: Application Materials and Review Process

- 1) **Public Hearing.** A duly warned public hearing before the Planning Commission in accordance with Title 24, Chapter 117 §4464(a)(2) is required. Upon receipt of a petitioner's notice of filing for a Certificate of Public Good, or for smaller net-metered projects receipt of a copy of a petition for a Certificate of Public Good, the Zoning Administrator shall provide the petitioner with a copy of this bylaw and written notification that a public hearing is required to be

scheduled within 30 days. Prior to filing a petition for a Certificate of Public Good or giving notice of filing, an applicant may contact the Fairfax Zoning Administrator to be scheduled for a public hearing before the Planning Commission at any time.

2) Application Materials.

- a. A complete application for a GMSP subject to this bylaw shall be submitted at least seven business days prior to the date of the public hearing.
- b. A complete application shall include:
 - i. The Town of Fairfax GMSP Screening Application Form;
 - ii. The application fee; per fee schedule
 - iii. Two (2) copies of a site plan (containing all information required in Section 3.2(B) of the Fairfax Development Regulations), which shall be prepared in a clear and legible manner, drawn to scale on an 18 inch by 24 inch sheet of paper; and
 - iv. A schedule for the installation of proposed screening, as applicable, including a date when the screening shall be estimated to fulfill its minimum function.
- c. Site plans prepared as part of the petition to the Vermont Public Service Board may be used for application under this bylaw provided that they provide all the information required by this section.

- 3) Recommendation to Selectboard.** Following the public hearing as required above, the Planning Commission shall provide a written recommendation to the Selectboard on the application's conformance to the provisions of this bylaw, including any recommended performance conditions for the Certificate of Public Good.

Section 5: Screening Standards

- 1) In the Growth Center and Mixed Use District, screening shall obscure GMSPs from abutting residential properties.
- 2) Outside the Growth Center and Mixed Use District, screening shall obscure GMSPs from residential properties and public roads in the immediate neighborhood.
- 3) The amount and type of screening shall be sufficient to obscure GMSPs based on the following standards in order of priority:
 - a) Natural terrain and topography shall serve as screening wherever feasible;
 - b) Existing trees, shrubs, evergreens and other vegetation shall be preserved and used as a method for screening wherever feasible;
 - c) New plantings and other landscaping materials installed for the purpose of screening shall be selected to meet seasonal conditions, soil conditions, erosion control, and light on the site. Plant selections shall be non-invasive and rated for an appropriate plant hardiness zone. Vermont native species are preferred.
- 4) Screening shall be installed as quickly as possible following the installation of the GMSP.

Section 6: Definitions

Ground Mounted Solar Electricity Generation Plant: An independent technical facility that generates electricity from the sun. A group of newly constructed facilities shall be considered one plant if the group is part of the same project and uses common equipment and infrastructure such as roads, control facilities, or connections to the electric grid.

Screening: Reasonable aesthetic mitigation measures to harmonize a facility with its surroundings, including landscaping, vegetation, fencing, and topographic features.

Section 7: Severability

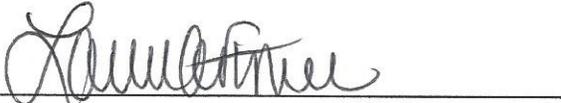
If any section of this bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw.

This Bylaw shall become effective 21 days after the adoption date shown below.

Adopted this 19th day of September, 2016.



Selectboard, Chair



Selectboard, Vice-Chair



Selectboard



Selectboard



Selectboard

Attest: Sheri A. Rainville Date: 9-19, 2016
Asst