

12. *Access to a tower site shall respect the natural terrain and not appear as a scar on the landscape. The adequacy of the access shall be reviewed by the SPGA and Fire Chief to assure emergency access at all times.*
13. *All unused facilities or parts thereof, or ancillary facilities and structures which have not been used for one year shall be dismantled and removed at the owner's expense.*
14. *Prior to the issuance of a building permit for a wireless service facility, the applicant shall post and submit a bond or other financial surety acceptable to the Town in an amount sufficient to cover the cost of removing the facility in the event that the Building Inspector condemns the property or deems it to have been abandoned or not used for more than one year. In the event the posted amount does not cover the cost of removal, the Town may place a lien upon the property covering the difference in cost. Said surety shall be maintained for the entire time the facility exists.*
15. *A wireless service facility may be located on a lot that contains another principal use, subject to the provisions of this section.*
16. *The SPGA may waive strict adherence to the requirements of this §4.8.2, with the exception of the height limit, if it finds that such a waiver will not adversely affect the safety and wellbeing of the public.*
17. *Review Fees. The Planning Board may, in accordance with MGL c. 44 §53G, impose a Project Review Fee to hire outside consultants with expertise in wireless installations. This fee shall be estimated at the time of application and a deposit of at least 75% of that estimate collected prior to the public hearing, with the balance due upon receipt of the final invoice from the review consultant. This fee shall be deposited into a separate account in compliance with MGL c. 44 §53G, and any balance (including interest) remaining when the project is completed shall be returned to the applicant.*

4.8.3 Solar Energy Facilities

- A. *Purpose. The purpose of this bylaw is to promote the development of solar energy facilities by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations, to protect public safety, to minimize impacts on scenic, natural and historic resources of Ware, and to provide adequate financial assurance for the eventual decommissioning of such installations.*
 - B. *Applicability. This §4.8.3 applies to all large ground-mounted solar energy facilities and to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment. Solar facilities for the primary purpose of agriculture are exempt from this §4.8.3 pursuant to MGL c. 40A §3. Solar facilities for one and two family dwellings are also exempt from this §4.8.3.*
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C . General Requirements

1. **Permit Required.** Large ground-mounted solar energy facilities are permitted by-right upon approval of a site plan in the Highway Commercial (HC), the Commercial Industrial (CI), and the Industrial (I) districts, and upon the granting of a special permit and site plan in the Residential Business (RB) and the Rural (RQ and RR) districts. Ground-mounted solar energy facilities are not permitted in the Beaver Lake Residential (BLR), Suburban Residential (SR), Downtown (DTR and DTC), or the Mill Yard (MY) districts, given the density of development in these areas.
2. **Review Fees.** The Planning Board may, in accordance with MGL c. 44 §53G, impose a Project Review Fee to hire outside consultants with expertise in solar installations. This fee shall be estimated at the time of application and a deposit of at least 75% of that estimate collected prior to the public hearing, with the balance due upon receipt of the final invoice from the review consultant. This fee shall be deposited into a separate account in compliance with MGL c. 44 §53G, and any balance (including interest) remaining when the project is completed shall be returned to the applicant.
3. **Required Documents.** In addition to the submission requirements in §7.4, Site Plan Review, the applicant shall provide the following documents:
 - a) Plans and drawings of the solar energy facility signed and stamped by a Professional Engineer licensed to practice in Massachusetts showing the proposed layout of the system.
 - b) One- or three- line electrical diagram detailing the solar installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
 - c) Technical specifications of the major system components, including the solar arrays, mounting system, and inverter.
 - d) Evidence that the utility company has been notified of the intent to install a solar energy facility and that the utility company has responded in writing to the notice. Off-grid systems are exempt from this requirement.
 - e) A glare analysis and proposed mitigation, if any, to minimize the impact of glare on affected properties, whether or not direct abutters.
 - f) The name, address, and contact information of the proposed installer, operator, and owner of the solar energy facility.
 - g) Documentation of actual or proposed control of access ways and the project site sufficient to allow for installation and use of the proposed facility.
 - h) An operation and maintenance plan which shall include measures for maintaining safe access, storm water controls, and general procedures for operating and maintaining the installation.
 - i) Proof of liability insurance.
 - j) Financial surety that satisfies §4.8.3 H 5 of this Bylaw.

4. **Modifications.** All modifications to the site plan that are proposed after issuance of the building permit require approval of the Planning Board for a modified site plan.

D. Dimensional Requirements

1. **Setbacks.** Large ground-mounted solar energy facilities and all accessory structures shall have a setback from front, side and rear property lines and public ways of at least twenty-five feet (25').
2. **Buffer.** The site plan shall provide a buffer of fifty feet (50') between the solar array and all properties in residential use, including houses across a street. This buffer shall be of undisturbed natural vegetation, or if existing vegetation is inadequate as determined by the Planning Board to provide a visual screen, then new landscaping with or without an earthen berm shall be designed and installed to provide the screening. If the applicant provides information showing that the visual buffer would have a detrimental impact on the ability to generate power, the Planning Board may grant a waiver to reduce the size of the buffer, but shall not eliminate it. Consideration should be given to designing buffers in situations where topography may negate the effectiveness of the buffer; the intent is to provide visual screening from existing residences to the array, and as such the location of the buffer can be modified to provide a more effective screen.
3. **Accessory Structures.** All accessory structures including but not limited to equipment shelters, storage facilities, transformers, and substations shall be subject to reasonable conditions by the Planning Board concerning bulk and height, parking, building coverage, and vegetative screening to avoid adverse impacts on the neighborhood or abutting properties.

E. Design Standards

1. **Lighting.** Lighting shall be limited to that required for safety and operational purposes, and shall not be intrusive in any way on abutting properties. Lighting shall incorporate full cut-off fixtures to reduce light pollution.
2. **Signage.** The facility shall have one sign not to exceed 32 square feet which identifies the operator and provides a 24-hour emergency contact phone number. The site may have a secondary sign not to exceed 32 square feet providing educational information about the facility and the benefits of renewable energy.
3. **Utility Connections.** The applicant shall place all wiring from the solar installation underground, except in cases where the Planning Board finds that soil conditions of the site make underground wiring infeasible.

- F. Maintenance.** The operator shall maintain the facility in good condition. Maintenance shall include but not be limited to painting, structural repairs, and integrity of security measures. The operator shall be responsible for maintaining adequate access for emergency vehicles and maintenance equipment.

- G. Emergency Services.** The operator shall provide a copy of the operation and maintenance plan, electrical schematic, and site plan to the Fire Chief. The operator

shall cooperate with local emergency services in developing an emergency response plan; this plan shall be reviewed annually with local emergency officials and revised as necessary. All means of shutting down the installation shall be clearly marked. Signage on the premises (see §6.5) shall identify a qualified contact person to provide assistance during an emergency; the operator shall change the contact information immediately whenever a change in personnel occurs. If access to the site is gated and locked, the owner shall provide the Fire Department with a means of entering the property (key, combination, or some other means acceptable to the Fire Department).

H. Decommissioning

- 1. Removal Requirements.** Any solar installation that is discontinued or abandoned shall be removed in compliance with the requirements of the Building Inspector. The owner or operator shall physically remove the installation within 180 days after the date of discontinued operations or receipt of a notice of abandonment from the Town.
- 2. Notice to Town.** In the event a large ground-mounted solar energy facility is anticipated to be out of service for a period of at least one year, written notice shall be sent by certified mail to the Planning Board, Building Inspector, and Fire Chief stating the anticipated period of non-operation as well as the reason for the shut-down. In the event of decommissioning, the notice shall provide the anticipated schedule for removal and site restoration along with a site plan indicating the site conditions after the decommissioning is completed, including topography at the same contour interval that was provided in the initial site plan approval, if topographical changes will be made.
- 3. Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar facility shall be considered abandoned when it fails to operate for more than one year. Upon determining that the facility has not been in operation for more than one year, the Building Inspector shall send a written notice by certified mail to the property owner and the last known solar energy facility operator, with a copy to the Planning Board, that the Town has found the facility to be abandoned. If the owner or operator fails to remove the installation in accordance with the requirements of this section, the Town may, to the extent it is otherwise duly authorized by law, enter the property and physically remove the facility.
- 4. Decommissioning shall consist of:**
 - a) Physical removal from the site of the solar arrays, structures, equipment, security barriers, and electrical transmission lines.**
 - b) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Building Inspector may allow the owner or operator to leave landscaping, below-grade foundations, and/or access roads in place in order to minimize erosion and disruption of vegetation.**

5. **Financial Surety.** Prior to commencing operation, the applicant shall provide a form of surety, either through a cash deposit or non-cancellable surety bond, in an amount determined to be adequate by the Planning Board to cover the cost of removal and site restoration. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include an escalator for calculating increased removal costs due to inflation. The surety shall be maintained by the developer for the lifespan of the facility, with annual certification notices from the surety company or bank for surety bonds submitted to the Planning Board. Such surety is not required for municipal facilities.

4.8.4 Wind Energy Facilities

- A. **Purpose.** The purpose of this §4.8.4 is to provide opportunities for construction and operation of Wind Energy Facilities in the Town of Ware, while minimizing any adverse visual, safety, and environmental impacts of the facilities. The Town of Ware is committed to allowing these facilities subject to reasonable conditions that will protect the public health, safety and welfare while allowing for the production of clean, renewable energy.
- B. **Applicability.** This §4.8.4 applies to all wind energy facilities and to physical modifications that materially alter the type, configuration, or size of these facilities with the exception of the following wind energy facilities, which are exempt:
 1. Those for the primary purpose of agriculture, pursuant to MGL c. 40A, §3;
 2. Those for one and two family dwellings; and
 3. Those that measure less than 50 feet in height, limited to one turbine.
- C. **General Requirements**
 1. **Permit Required.** Wind energy facilities are permitted upon the granting of a special permit and site plan in the Rural Quabbin (RQ) and Rural Residential (RR) districts.
 2. **Review Fees.** The Planning Board may, in accordance with MGL c. 44 §53G, impose a Project Review Fee to hire outside consultants with expertise in wind energy facility installations. This fee shall be estimated at the time of application and a deposit of at least 75% of that estimate collected prior to the public hearing, with the balance due upon receipt of the final invoice from the review consultant. This fee shall be deposited into a separate account in compliance with MGL c. 44 §53G, and any balance (including interest) remaining when the project is completed shall be returned to the applicant.
 3. **Required Documents.** In addition to the submission requirements in the Planning Board's Site Plan Review Regulations, the applicant shall provide the following documents:
 - a) Plans and drawings of the wind energy facility signed and stamped by a Professional Engineer licensed to practice in Massachusetts showing the proposed layout of the system.