



EAST POINT ENERGY CENTER

Case No. 17-F-0599

1001.31 Exhibit 31

Local Laws and Ordinances

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Exhibit 31: Local Laws and Ordinances

This Exhibit will track the requirements of proposed Stipulation 31, dated August 20, 2019, and therefore, the requirements of 16 NYCRR § 1001.31.

The Project will be located in the Town of Sharon, Schoharie County, New York. In June 2018, the Town of Sharon enacted a six-month moratorium on applications or proceedings for application for, or the issuance of approvals, permits and zone changes for the establishment, placement, construction, enlargement or erection of solar facilities within the Town. As stated within the moratorium issued by the Town, its purpose is to *“allow time for Town officials to review, create and update as needed the Town’s laws and regulations regarding both the commercial and residential use of solar facilities. Additionally, this moratorium will allow the Town to, among other things, provide where solar facilities may be allowed, set maximum heights, provide for appropriate setbacks from property lines, and make such other laws and regulations as may be necessary to promote and preserve the health, safety and welfare of the Town and its residents.”*

The Town’s Joint Planning Board (which consists of officials from both the Town of Sharon and Village of Sharon Springs) has been tasked with reviewing the existing zoning law relative to solar facilities and is in the process of preparing recommendations for any proposed changes determined necessary. As of the filing of this Application, a revised zoning law has not been prepared and, based on information obtained from the Town, the Joint Planning Board has determined that the existing zoning laws relative to solar facilities are adequate. The procedural and substantive requirements described below are based upon the Town’s current Land Use Code and Zoning Law effective March 1, 2017.

As described in Exhibit 2, the Applicant has been implementing the Public Involvement Program (PIP) Plan for the Project. The Applicant has consulted with the Town of Sharon, Schoharie County, and participating and adjacent landowners as part of PIP outreach activities. The Project’s PIP Meeting Log, which documents the Applicant’s outreach to date, is included as Appendix 2-5. Outreach to the municipal stakeholders has included presentations at town board meetings, as well as presentations and open houses to introduce the Applicant and the Project to the community. Coordination included the Applicant providing Project-specific information to the municipality, as well as consulting and responding to comments from agency stakeholders, such as the USFWS and NYS DAM, among others. The Applicant is also working with Schoharie

County officials, the Town of Sharon (Supervisor Sandra Manko), and the Sharon Springs School Board of Education (Tony Dipace) with the intention of executing a Payment in Lieu of Taxes agreement prior to construction of the Project.

Coordination with the Town of Sharon regarding applicable substantive and procedural requirements for the Project has been performed in accordance with the Article 10 requirements. Based on a review of the local laws and coordination with Project stakeholders, the results of the Applicant's assessment of local procedural and substantive laws, and their applicability to the Project, are described in the following sections.

31(a) Local Procedural Requirements Applicable to Construction/Operation of the Project Supplanted by Article 10

The following section contains lists of local ordinances, laws, resolutions, regulations, standards, and other requirements applicable to the construction and operation of the Project that are of a procedural nature for the Town of Sharon. These local procedural requirements are supplanted by Public Service Law (PSL) Article 10 unless the Board expressly authorizes the exercise of the procedural requirement by the local municipality or agency.

Town of Sharon – Article IV (20) (G) (24) Solar Facilities

- § E.1.b – A special use permit and site plan review by the Planning Board shall be required for all utility-scale solar energy systems.
- § E.2.a – All applications for utility-scale solar energy systems shall be accompanied by an application for special use permit and site plan review, and all applicable fees as may be established by the Town Board. Both site plan and special use permit reviews and approvals are required. The Planning Board shall however, concurrently review the site plan and special use permit applications.
- §E.2.b – All applications for utility-scale solar energy systems shall include the following:
 - (1) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposed layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities

are subject to review by the Planning Board and shall not commence until the issuance of site plan approval.

- (2) An electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices identified.
- (3) Documentation of access to the Project Area(s), including location of all access roads, gates, parking areas, etc.
- (4) Plan for clearing and/or grading of the site.
- (5) A storm water pollution prevention plan as per NYSDEC requirements to detail storm water runoff management and erosion control plans for the site.
- (6) Documentation of utility notification, including an electric service order number.
- (7) Decommissioning plan and description of financial surety that satisfies the Town that all required improvements shall be made for utility-scale systems only. For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application.
- (8) The Town shall require any applicant to pay all associated costs for any application review, including but not limited to engineering, legal, environmental, planning, and the review required under New York State Environmental Quality Review Act (SEQRA) to the Town Clerk. When the Planning Board determines that a review will require engineering, legal, environmental, or planning costs, they shall provide an estimate to the applicant. Subsequently, such payment shall be made prior to commencement of any further Planning Board review.
- (9) Photo simulations shall be included showing the proposed solar energy system in relation to the building/site along with elevation views and dimensions, and manufacturer's specs and photos of the proposed solar energy stems, solar collectors, and all other Components.
- (10) Part I of the Full Environmental Assessment Form filled out.
- (11) Details of the proposed noise that may be generated by inverter fans. The Planning Board shall require a noise analysis to determine potential adverse noise impacts.

- §E.3.c – Development and operation of a solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Sharon or other federal or state regulatory agencies. Applicants shall use the adopted Town of Sharon Comprehensive Plan, including Appendix E and the Composite Map showing sensitive environmental features along with other site information to identify and describe how the proposed utility scale solar energy system shall avoid or mitigate adverse impacts to these resources. Lands which have the highest ecological values as evidenced by large, contiguous areas of forest, undisturbed drainage areas, wetlands, or NYSDEC identified critical habitats or rare plant and animal populations shall be avoided.
- §E.3.d – The Planning Board is authorized to increase the width of this buffer [100-foot buffer between any component of the utility-scale solar energy system and the parcel boundary line] after analysis of site conditions and adjacent land uses.
- §E.3.g – Arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the USDA, NYS or NRCS.
- §E.3.i – The solar facility, including any proposed off-site infrastructure, shall be located and screened in such a way as to avoid or minimize visual impacts as viewed from:
 - 1) Publicly dedicated roads and highways, including Route 20 and 10;
 - 2) Existing residential dwellings located on contiguous parcels;
 - 3) A berm, landscape screen, or other opaque enclosure, or any combination thereof acceptable to the Town capable of fully screening the site, shall be provided.
- §E.3.l – The Planning Board may recommend waiving this requirement [that all transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements] if sufficient engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan.

- §E.3.p – Due to the need to keep the solar skyspace for solar energy systems free from obstructions, the Planning Board may recommend modifying the landscaping requirements on an adjacent parcel when it is subject to a site plan or special use permit request to ensure that any landscaping proposed there is low-growth vegetation that will not obstruct the solar skyspace at mature height.
- §E.3.r – Special use permits granted for utility-scale solar energy systems shall be assignable or transferable to future landowners of that system on the approved parcel so long as they are in full compliance with this article and all conditions, and the Code Enforcement Officer is notified of the property transfer at least 15 days prior thereto.
- §E.3.s – Any post-construction changes or alterations to the solar energy system shall be done by amendment to the special use permit only and subject to the requirements of this article.
- §E.3.t – After completion of a utility-scale solar energy system the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.
- § E.3.j – The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.
- § F.a – Utility-scale solar energy systems which have not been in active and continuous service for a period of 1 year shall be removed at the owner's or operator's expense. The Planning Board shall require a bond, placed in an escrow account and in an amount satisfactory to the Town, to ensure the removal of any utility-scale solar facility; In the event that the facility is not removed within one year and the site restored as required, the Town, after notice and hearing, may cause the same to be removed and the site restored using the funds in such escrow account.

Town of Sharon Road Preservation Law

The Town of Sharon Road Preservation Law (Local Law 2012-1) requires a Road Preservation Vehicle Permit for any high frequency or high impact truck traffic. The requirement to obtain such

a permit is supplanted by Article 10. The substantive provisions of this local law that may be applicable to the Project are addressed below.

31(b) Local Procedural Requirements Requested to be Expressly Authorized by the Board

Except with respect to the New York State Uniform Fire Prevention and Building Code, as explained below, the Applicant does not request the Board to authorize a municipality to implement any local procedural requirements.

31(c) Local Agency Review and Approval of Compliance with Building Codes

The Town of Sharon has adopted and incorporated the New York State Uniform Fire Prevention and Building Code for administration into its local electric, plumbing and building codes, therefore the Applicant may make a request to the Board during the Article 10 proceeding pursuant to subdivision (b) of this section that the Board expressly authorize the exercise of the electric, plumbing and building permit application, inspection and certification processes by the Town of Sharon.

The Code Enforcement Officer for the Town of Sharon is responsible for reviewing and approving building plans, inspecting construction work, and certifying compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any applicable local electrical, plumbing or building code. If necessary, the Code Enforcement Officer can hire consultants to assist with the review and approval. To the extent the Applicant requests the Board to make the aforementioned authorization to the Town, the Applicant is willing to fund those consultations, to the extent such fees are not paid for from the fund for municipal and local party intervenors.

31(d) Substantive Requirements

Below is a list of the local laws and ordinances of a substantive nature that may be applicable to the construction and operation of the Project.

Town of Sharon – Article IV (20) (G) (24) Solar Facilities

- § E.3.a – All utility-scale solar energy systems shall adhere to all applicable Town of Sharon building, plumbing, electrical, and fire codes.
- § E.3.b – A minimum parcel size of 15 acres is required for utility-scale solar energy systems.
- § E.3.d – There shall be a minimum 100-foot buffer between any component of the utility-scale solar energy system and the parcel boundary line.
- § E.3.e – Any site containing a utility-scale solar energy system shall be enclosed by perimeter fencing to restrict unauthorized access at a height of 8 feet.
- § E.3.f – Previously cleared or disturbed areas are preferred locations for solar panel arrays. The clearing of additional lands to accommodate a proposed utility-scale solar facility may be permitted, provided the percentage of newly cleared land on any parcel does not exceed 30% of the existing woodlands on that parcel.
- § E.3.g – Solar arrays and agriculture. When proposed on an active farm located within the New York State Certified Agricultural District in Sharon, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but in no case shall exceed 10 acres.
- § E.3.h – Native grasses and vegetation shall be maintained below the arrays.
- § E.3.k – All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color to aid in blending the facility into the existing environment.
- § E.3.l – All transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.
- § E.3.m – Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.
- § E.3.n – Any signage used to advertise the solar energy facility shall be in accordance with the Town's signage regulations. The manufacturers or installer's identification and appropriate warning signage shall be posted at the site and clearly visible.

- § E.3.o – The average height of the solar panel arrays shall not exceed fifteen feet.
- § E.3.q – Following construction of a large-scale or utility-scale ground-mounted solar energy system, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.
- § F.a –Decommissioning shall include removal of all energy facilities, structures and equipment including any subsurface wires and footings from the parcel. Any access roads created for building or maintaining the system shall also be removed and re-planted with vegetation.
- § F.b – All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its preexisting condition within six months of the removal of the solar energy system.

Town of Sharon Road Preservation Law

- Section X(2)(a) – In no event shall vehicles or equipment be parked or located inside the roadway boundaries or in the right-of-way or block access to neighboring landowners.
- Section X(2)(b) – Traffic will be maintained in accordance with the Uniform Traffic Control Manual.
- Section X(2)(d) – The Applicant shall be responsible for any and all repairs of damages caused by their operation to any road or Town property.
- Section X(2)(h) – The Applicant is not authorized to exceed the maximum gross weight limit authorized for crossing any bridge.
- Section X(2)(j) – The Applicant must comply with all other applicable laws, regulations and/or conditions of any other governmental permits which have been issued in connection with authorizing the project or activity which is generating the traffic.
- Section XII(2) – The Applicant is responsible for all damages done to the roadways, ditches, curbs, culverts, bridges, or other improvements and to public utilities in, under, over and along the roadway related to their traffic activities. Upon written due notice being given by Certified U.S. mail to the Applicant, and at the Town’s sole option, the Town may request the Applicant to repair all damages, or the Town may at its option contract with a third party for the necessary repairs.

Additionally, the following dimensional requirements specified by the Town of Sharon Land Use Code for Utility Scale Solar Energy Systems, including those requiring a 100-foot minimum buffer between any component of the utility-scale solar energy system and a parcel boundary line, are identified in Table 31-1 below.

Table 31-1. Town of Sharon Zoning Summary

DIMENSIONS	UTILITY-SCALE SOLAR COLLECTOR SYSTEM REQUIREMENTS	PROVIDED
Maximum Average Height (Solar Array)	15 Feet	12 Feet
Minimum Parcel Size	15 Acres	74 Acres
Minimum Front Yard Setback	100 Feet	100 Feet
Minimum Side Yard Setback	100 Feet	100 Feet
Minimum Rear Yard Setback	100 Feet	100 Feet
Minimum Fence Height	8'-6"	8'-6"
Maximum Clearing Existing Woods	30%	Parcel 12-2-2: 34.6%
		Parcel 12-2-19: 28.4%
		Parcel 12-2-11-1: 44.9%
		Parcel 12-3-25: 2.2%
		Parcel 12-3-25 2.2%
Maximum Coverage in Agricultural District	20% or 10 Acres	27% / 352 acres

31(e) Local Substantive Requirements Applicant Requests the Board Not Apply

The Project is designed and will operate in compliance with applicable substantive local laws and regulations concerning, among other matters, the environment and public health and safety with the exception of two substantive requirements of the Town of Sharon Land Use Code & Zoning Law: one pertaining to lot coverage (Article IV Section 24.E.3.g) which restricts the

maximum size of a utility-scale solar energy system to 10 acres when proposed on an active farm located within a New York State Certified Agricultural District; and, another that limits clearing of land to 30% on any parcels (Article IV Section 24.E.3.f). The Applicant is requesting that the Department of Public Service Staff elect not to apply these requirements as they are unreasonably burdensome in the view of existing technology and the needs of consumers. Either local requirement would prevent the Project from being built.

The land area making up the Project Area is particularly well-suited for development of a utility-scale solar energy system due to its location directly adjacent to existing electric transmission infrastructure with available capacity, the availability of large open space consisting of level land, and the fact that a utility-scale solar energy system is an allowable use under current zoning. As previously stated, limiting the development of the Project Area to only 10 acres in size and allowing only 30% clearing on any parcel within the Project Area would be unreasonably burdensome. As to the needs of consumers, East Point Energy Center promotes the goals of the Climate Leadership and Community Protection Act (Climate Act), the Clean Energy Standard (CES), and the most recent State Energy Plan (SEP). Moreover, East Point Energy Center has executed a contract with NYSERDA to sell the renewable energy attributes generated by the Project, in furtherance of the Climate Act, CES, and SEP. By adding 50 MW of clean, renewable, solar power into the New York State energy market, the Project helps NYS achieve its targets of 70% renewable generation by 2030, zero emissions from the statewide electrical demand system by 2040, an 85% reduction in greenhouse gas emissions by 2050, and the operation of 6 GWs of solar generation by 2025.

With the exception of those two provisions identified above, the Applicant has determined that none of the remaining local substantive requirements are unreasonably burdensome in terms of existing technological, cost/economics, or consumer needs. Therefore, there are no additional substantive requirements which the Applicant is requesting that the Board elect not to apply.

The following provides additional information as to why the Applicant is requesting the Department of Public Service Staff elect not to apply these two requirements.

20% Maximum Occupation/10 Acre Limitation; Statement of Justification

Article IV Section 24.E.3.g of the Town of Sharon Land Use Code and Zoning Law states the following: *Solar arrays and agriculture. In accordance with the Comprehensive Plan, the Town of Sharon does not support conversion of productive farmland to support grid-supply facilities. When*

proposed on an active farm located within the New York State Certified Agricultural District in Sharon, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but in no case shall exceed 10 acres. Arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the USDA, NYS or NRCS.

Limiting a utility-scale solar energy system to occupying only 20% or a maximum 10 acres of any farmed parcel imposes a technological restriction on the Project, making it impossible to build. In order to meet the 50 MW generating capacity selected by NYSERDA under the 2017 Renewable Energy Standard Solicitation (RESRFP 17-1) Ann area of approximately 352 acres (area within Project fence line) on farmed parcels is required to site the number of solar panels and the supporting components of the Facility necessary to meet this generating capacity. Using the same Facility -area-- to generating capacity ratio of the Project (352 acres to 50 MW, or 6.87 acres/1 MW), this local zoning requirement would only allow a “utility-scale solar energy system” with a generating capacity of 1.43 MW. As nearly the entire Town (approximately 90%) is located within a NYS Certified Agricultural District, no utility-scale solar energy systems would be allowed by zoning and this local restriction would frustrate the achievement of the State’s renewable energy goals. Furthermore, although the proposed area of the Facility (352 acres) greatly exceeds the 10-acre maximum requirement, the proposed lot coverage of the Facility is only 26.8% (352-acre Facility/1,313-acre Project Area). As such, the remaining approximately 961 acres within the Project Area not being utilized for the Project will retain their existing use, the majority of which is for agricultural purposes. The burden on the Applicant imposed by this local requirement is unreasonable because it would destroy the Project. There are no design changes that can obviate the request, the request is the minimum necessary to build the Project in order to satisfy its NYSERDA REC contract, and this Application details why potential adverse impacts are mitigated to the maximum extent practicable.

Pursuant to 16 NYCRR Part 1001.31(h)(1) this local governmental restriction makes compliance by the Applicant impossible, impractical and unreasonable because the Project’s components could not be built within the restricted area.

In addition, pursuant to 16 NYCRR Part 1001.31(h)(3), the goals of the Climate Act, the SEP, and the CES, as explained above, promote the urgent needs of consumers to reduce greenhouse gas emissions and those needs outweigh the insignificant potential impacts on the community that could result by the Board refusing to apply this substantive restriction. The

economic benefits to the community from payments to landowners, construction jobs and payments in lieu of taxes also weigh in favor of the Board refusing to apply the restriction.

Woodland Clearing Restriction: Statement of Justification

Article IV Section 24.E.3.f of the Town of Sharon Land Use Code and Zoning Law states the following: *Previously cleared or disturbed areas are preferred locations for solar panel arrays. The clearing of additional lands to accommodate a proposed utility-scale solar facility may be permitted, provided the percentage of newly cleared land on any parcel does not exceed 30% of the existing woodlands on that parcel.*

As discussed in detail in Exhibit 22, the Project Area consists of approximately 384.13 acres of forested areas (29.27% of Project Area). In order to construct and operate the Facility, the Applicant is proposing to clear approximately 50.24 acres of forested area, or 13.08% of existing woodlands within the entire Project Area. While this percentage is consistent with the Town’s clearing requirement when the Project Area is examined in whole, Article IV Section 24.E.3.f could be interpreted to restrict clearing to 30% on each parcel located within the Project Area. When parcels are looked at individually, the following clearing is proposed:

Table 31-2. Proposed Tree Clearing by Parcel

Parcel	Proposed Clearing of Existing Woodlands (%)
Parcel 12-2-2	34.6*
Parcel 12-2-19	28.4
Parcel 12-2-11.1	44.9*
Parcel 12-3-25	2.2
*denotes exceedance of 30% maximum	

As indicated in Table 31-2 above, the clearing proposed on Parcels 12-2-2 and 12-2-11.1 will exceed that allowed by zoning requirements if the requirement is interpreted to apply on a parcel by parcel basis while Parcels 12-2-19 and 12-3-25 will be in compliance. During outreach efforts conducted by the Applicant, the Town and local residents stressed their desire to have the Facility

sited such that views from U.S. Route 20 (a State-designated scenic byway) be limited. Accordingly, the Applicant avoided the use of large open tracts of land (consisting of active agriculture) within the Project Area located along and highly visible from Route 20. Doing so resulted in the need to clear existing woodlands on Parcels 12-2-2 and 12-2-11.1, areas that are not visible from roadways and are also not located adjacent to existing residential uses outside the Project Area.

Limiting tree clearing to 30% of existing woodlands imposes a technological restriction on the Project, making it impossible to build when considering other siting constraints and requirements and incorporating input from the public including the Town of Sharon. Accordingly, the burden caused by imposing this local restriction is unreasonable. The request cannot be obviated by a design change and in fact, it is motivated by a design change requested by the Town of Sharon and other members of the public. It is the minimum necessary in order to build the Project selected by NYSERDA to sell RECs, and this Application details why potential adverse impacts have been mitigated to the maximum extent practicable.

Pursuant to 16 NYCRR Part 1001.31(h)(1), the Applicant requests that the Board refuse to apply this local governmental restriction to Project Area parcels 12-2-2 and 12-2-11.1 because it is technologically impossible, impracticable or unreasonable for all Project Components to be installed if the Project were compelled to comply with this restriction.

In addition, pursuant to 16 NYCRR Part 1001.31(h)(3), the Board should elect to refuse to apply this local governmental restriction because the needs of consumers to have GHG emissions reduced, through the goals, targets and strategies embodied in the Climate Act, CES, and SEP, outweigh the potential insignificant impacts to the community. This Application details the measures being proposed to mitigate any potential impacts to the maximum extent practicable. In addition, the economic benefits to the community from landowner payments, construction jobs, and payments in lieu of taxes, weigh in favor of the Board refusing to apply the local restriction to the two parcels.

Easements for Underground Collections lines in Empie and Beech Roads

As explained in Exhibits 3 and 25, the Applicant will seek to obtain easements or any other required approval from the Town of Sharon for the installation in Empie and Beech Roads, both of which are Town of Sharon public roads. As explained in those Exhibits, relocating the solar arrays away from Route 20 necessitated using these roads for collection lines. If, however, the

Town declines to enter into the easements or grant the required approvals, the Applicant requests, pursuant to PSL Section 168.3(e), that the Board refuse to apply any Town of Sharon requirements that would require Town approval for the placement of the interconnecting electric collection lines to the proposed collection substation, switchyard and National Grid transmission facilities in Empie and Beech Roads, and grant the necessary approvals for these electric interconnections. The Applicant's review of the Town Code, Solar Law and other local requirements has not been able to locate any provisions governing the requirement for such approvals. The Applicant will reach out to the Town in an effort to reach a mutually agreeable arrangement.

31(f) Procedural Requirements Applicable to the Use of Water, Sewer, or Telecommunications Lines

The Project does not require the use of water, sewer, or telecommunications lines, and, therefore, this section is not applicable.

31(g) Substantive Requirements Applicable to the Use of Water, Sewer, or Telecommunications Lines

The Project does not require the use of water, sewer, or telecommunications lines, and, therefore, this section is not applicable.

31(h) Requirements Applicable to the Use of Water, Sewer, or Telecommunications Lines that the Applicant Requests the Board Not Apply

The Project does not require the use of water, sewer, or telecommunications lines, and therefore, this section is not applicable.

31(i) List of Applicable Local Substantive Requirements and Compliance Assessment

The table below presents a list of all applicable substantive requirements to the Project and a description of how the Applicant plans to adhere to those requirements.

Table 31-3. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
Town of Sharon Land Use Code & Zoning Law (March 1, 2017)	
Article IV (20) (G) (24) E.3. General Provisions	The Project will comply with the standards of this Section with the exception of Article IV Section 24.E.3.f & gas discussed in Section 31(e) above.
Article IV (20) (G) (24) F. Abandonment or Decommissioning of Utility-Scale Systems	The Project will comply with the removal standards as specified.
Town of Sharon Road Preservation Law	The Project will comply with the substantive provisions of the local law listed above.

31(j) Zoning

The Town of Sharon has adopted zoning regulations (last amended March 1, 2017). The following provides a summary of the substantive provisions of zoning regulations that may be applicable to the Project. As the town has adopted a solar ordinance as detailed above, any zoning regulations that conflict with the solar ordinance are supplanted.

Town of Sharon – Article II (8) Zoning Schedule, Standard and Uses Requiring Special Permits

The Project Area is primarily located within the Town’s Residential Agricultural (R-A) and Residential Rural (R-R) zoning districts with portions being located within the Residential Highway (R-H) and Open Space (O-S) zoning districts. The following table provides principal permitted standard uses and uses requiring special use permits for each zoning district in which the Project Area is located.

Table 31-4. Town of Sharon Permitted & Special Uses

Zoning District	Principal Permitted Standard Uses	Uses Requiring Special Use Permit
R-A	One-, Two-Family Dwelling; Mobile Home; Farm Structure, Use and Farm Worker Housing; Farm Stand; Small Scale Solar Energy Collector	Air Landing field; Bed & Breakfast; Cemetery, Crematorium; Commercial Excavation; Commercial Recreation; Family Care Facility; Garage-Commercial; Golf Course; Home Occupation; Kennel; Multi-Family Dwelling 3 Units; Multi-Family Dwelling 4 Units; Open Space Recreation; Personal Service Shop; Public, Semi-Public Structure, Use; Public Utility Structure, Use; Retail Business; Riding Stable; Roadside Stand; Rural Service Shop, Use; Seismic Testing (except in Karst Areas); Utility-Scale Solar Energy Collector ; Veterinary Clinic
R-R	One-, Two-Family Dwelling; Mobil Home; Farm Structure, Use and Farm Worker Housing; Farm Stand; Small Scale Solar Energy Collector	Same as R-A district (including Utility-Scale Solar Energy Collector)
R-H	One- and Two-Family Dwelling; Farm Structure, Use and Farm Worker Housing; Small Scale Solar Energy Collector; Existing Commercial Structure, Use	Assembly, Special Event; Bed & Breakfast; Boarding House; Commercial Greenhouse; Commercial-Highway Structure, Use; Family Care Facility; Farm Implement Dealership; Farm Stand; Farm Market; Garage-Commercial; Gas Stations; Home Occupation; Hotel/Motel; Kennel; Light Industrial Uses; Multi-Family Dwelling 3 or 4 Units; Personal Service Shop; Public, Semi-Public Structure, Use; Public Utility Structure, Use; Restaurants; Retail Business; Roadside Stand; Rooming House; Utility-Scale Solar Energy Collector ; Warehouse; Vehicle Sales & Service; Veterinary Clinic
O-S	One- and Two-Family Dwelling; Seasonal Dwelling, Club; Municipal Reservoir; Farm Structure, Use and Farm Worker Housing; Forest Practices; Small Scale Solar Energy Collector	Commercial Excavation; Open Space Recreation; Utility-Scale Solar Energy Collector

As listed above, a Utility-Scale Solar Energy Collector, such as the Project, is an allowable special permit use within each of the zoning districts in which the Project Area is located. Therefore, the site is appropriately zoned for the proposed use.

Town of Sharon – Article III (12) Interpretation of Regulations

Regulations governing minimum lot area and lot width; required front, side and rear yards; and maximum building coverage and building height are specified in Attachment I of the Town of Sharon Land Use Code & Zoning Law, subject to such additional standards as may be set forth to specific uses in the Town of Sharon Land Use Code & Zoning Law. For Utility-Scale Solar Energy Collectors, Attachment I references the standards of Article IV, Section 20(G)(24) which has been listed above.

Town of Sharon – Article IV Supplementary Regulations

A number of other substantive zoning regulations will be assessed in the Article 10 Application for their applicability to the Project. These regulations include the substantive provisions of the following zoning sections:

Local Requirement	Project Compliance
Town of Sharon Land Use Code & Zoning Law (March 1, 2017)	
Article IV (16) Off-Street Parking	The Project will comply with the standards of this Section.
Article IV (17) Signs	The Project will comply with the standards of this Section, in accordance with § E.3.n of Article IV (20) (G) (24) Solar Facilities.
Article IV (18) Site Improvements and Screening	The Project will comply with the standards of this Section.
Article IV (20) (A) Landscaping	The Project will comply with the standards of this Section, in addition to compliance with § E.3.h of Article IV (20) (G) (24) Solar Facilities.
Article IV (20) (B) Protection of Agriculture	The Project will comply with the standards of this Section with the exception of Article IV Section 24.E.3.f & g, as discussed in Section 31(e) above.

Article IV (20) (C) Noise and Seismic Testing	The Project will comply with the standards of this Section.
Article IV (20) (D) Odors and Fumes	The Project will comply with the standards of this Section.
Article IV (20) (E) Lighting for Commercial Uses	The Project will comply with the standards of this Section.
Article IV (20) (F) Protection of Natural Resources, Water Supplies, and Aquifers	The Project will comply with the standards of this Section.