

**STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS  
TOWN OF FOSTER**

AN ORDINANCE IN AMENDMENT OF AN ORDINANCE  
ENTITLED "TOWN OF FOSTER ZONING ORDINANCES"  
ADOPTED JULY 1967 AND LAST AMENDED SEPTEMBER 9, 2010.

It is ordained by the Town Council of the Town of Foster (the "Town") that the Zoning Ordinance adopted July 1967, as last amended on September 9, 2010, (Chapter 38 of the Code of Ordinances of the Town of Foster Rhode Island) is hereby amended by specifically adding to the text of ARTICLE VI. SUPPLEMENTARY REGULATIONS with SECTION 23. SOLAR INSTALLATIONS as follows:

Section 23. Solar Installations

A. Definitions

PHOTOVOLTAICS

Electricity produced directly from sunlight; typically small scale.

SOLAR HEATING AND COOLING

Thermal (heat) energy used to change the temperature of air and water; typically medium scale.

CONCENTRATING SOLAR POWER

Concentrated sunlight used to drive a traditional steam turbine; typically large scale.

AGRICULTURAL OPERATION

Any location engaged in horticulture, floriculture, livestock-animal husbandry, aviculture, egg production, dairy production, apiculture, aquaculture, maple sugaring, and/or viticulture for documented revenue per at least the Level I RI Farm Tax Exempt Certificate.

B. RESIDENTIAL; MINOR

A solar installation with an output of 10kW or less or rooftop-mounted, which:

1. Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height.
2. Shall require a building permit after submission and approval of layout and design. Any signed lease, easement, or distribution agreements must also be submitted for review by the Solicitor and be recorded in Land Evidence in the Town of Foster after approval.
3. Shall be in compliance with RI State Building Code and National Electric Code.

#### C. RESIDENTIAL; MAJOR

A solar installation with an output of 20kW or less and greater than 10kW, requiring a Site Plan Review with the Planning Board in all zones, which:

1. Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height.
2. Shall require a building permit after submission and approval of layout and design. Any signed lease, easement, or distribution agreements must also be submitted for review by the Solicitor and be recorded in Land Evidence in the Town of Foster after approval.
3. Shall be in compliance with RI State Building Code and National Electric Code.

#### D. COMMERCIAL; MINOR

A solar installation with an output of 250kW or less and greater than 10Kw, or an installation exceeding 20% of the minimum buildable area of the applicable zone (wetlands and setbacks subtracted from lot size); requiring, in all zones, Minor Land Development approval from the Planning Board and a Special Use Permit from the Zoning Board of Review, pursuant to Rhode Island General Law 45-23-61; and a building permit prior to construction; which shall adhere to the following:

1. Design Standards- Solar installation applications shall include the proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components to be used, an operation and maintenance plan, a decommission plan, utility approval, proof of liability insurance, and the contact information for the project contractors. Additional documents may be required by the Planning Board or by the Zoning Board of Review. The Planning Board may waive requirements of the Land Development review process upon written request of the applicant at Pre-Application.
2. Land Evidence- Any signed lease, easement, or distribution agreements shall be submitted with the installation application for review by the Solicitor, and be recorded in Land Evidence in the Town of Foster upon Planning Board and Zoning Board of Review approvals. Signed lease agreements must make reference to payment of both tangible and property tax by the grantee.
3. Setbacks and Height- The installation must meet all height and minimum front, side, and rear yard requirements in the applicable zone, and must additionally maintain a twenty (20) foot vegetated buffer from all adjacent properties and roadways.
4. All installations shall be in compliance with the RI State Building Code and National Electric Code, and shall be subject to yearly inspections by the Foster Building Official. All installation components must have an UL listing or equivalent.
5. All electrical connection and distribution lines within the installation shall be underground. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility.

6. Security- A fence shall surround the perimeter of the installation of no less than nine (9) feet in height.
7. Emergency Access- Reasonable accessibility for emergency service vehicles shall be required.
8. Signage- No signs are allowed on the security perimeter fencing except for a sign displaying the installation name, address and emergency contact information, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four (4) square feet in area.
9. Lighting- Externally lit signs are allowed, provided they are oriented such that the light is directed away from any adjacent properties and traffic arteries.
10. Abandonment or Decommissioning- It is the responsibility of the parcel owner to remove all obsolete or unused systems within six (6) months of cessation of operations. Reusable components are to be recycled whenever feasible. A surety bond to cover the cost of removal may be required, and shall be posted prior to the issuance of any building permits.

#### E. COMMERCIAL; MAJOR

A solar installation with an output of greater than 250kW, or an installation exceeding 40% of the minimum buildable area of the applicable zone (wetlands and setbacks subtracted from lot size); requiring, in all zones, Major Land Development approval from the Planning Board and a Special Use Permit from the Zoning Board of Review, pursuant to Rhode Island General Law 45-23-61; and a building permit prior to construction; which shall adhere to the following:

1. Design Standards- Solar installation applications shall include the proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components

to be used, an operation and maintenance plan, a decommission plan, utility approval, proof of liability insurance, and the contact information for the project contractors. Additional documents may be required by the Planning Board or by the Zoning Board of Review. The Planning Board may waive requirements of the Land Development review process upon written request of the applicant at Pre-Application.

2. Land Evidence- Any signed lease, easement, or distribution agreements shall be submitted with the installation application for review by the Solicitor, and be recorded in Land Evidence in the Town of Foster upon Planning Board and Zoning Board of Review approvals. Signed lease agreements must make reference to payment of both tangible and property tax by the grantee.
3. Setbacks and Height- The installation must meet all height and minimum front, side, and rear yard requirements in the applicable zone, and must additionally maintain a twenty (20) foot vegetated buffer from all adjacent properties and roadways.
4. All installations shall be in compliance with the RI State Building Code and National Electric Code, and shall be subject to yearly inspections by the Foster Building Official. All installation components must have an UL listing or equivalent.
5. All electrical connection and distribution lines within the installation shall be underground. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility.
6. Security- A fence shall surround the perimeter of the installation of no less than nine (9) feet in height.
7. Emergency Access- Reasonable accessibility for emergency service vehicles shall be required.

8. Signage- No signs are allowed on the security perimeter fencing except for a sign displaying the installation name, address and emergency contact information, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four (4) square feet in area.
9. Lighting- Externally lit signs are allowed, provided they are oriented such that the light is directed away from any adjacent properties and traffic arteries.
10. Abandonment or Decommissioning- It is the responsibility of the parcel owner to remove all obsolete or unused systems within six (6) months of cessation of operations. Reusable components are to be recycled whenever feasible. A surety bond to cover the cost of removal may be required, and shall be posted prior to the issuance of any building permits.

#### F. INCENTIVES

Pursuant to R.I.G.L. § 44-3-21, the following property meeting one of the following criteria shall be exempt from tangible taxation, and such exemption shall be applied for, verified by, and filed with the Town's Tax Assessor:

1. The additional cost or value of any solar installation which is being utilized as a primary or auxiliary power system for the purpose of supplying the energy needs of the property on which it is located, for a period of 20 years from the date of installation. At no time shall such an installation sell power back to a utility.
2. The additional cost or value of any solar installation which is being utilized for an agricultural operation.

#### REFERENCES

<http://www.energy.ri.gov/efficiency/>

[https://www.nationalgridus.com/narragansett/business/energyeff/distributed\\_generation.asp](https://www.nationalgridus.com/narragansett/business/energyeff/distributed_generation.asp)

<http://www.seia.org/about/solar-energy/solar-faq>

<http://www.tax.ri.gov/regulations/salestax/07-36.php>

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It is further ordained by the Town that the Zoning Ordinance adopted July 1967, as last amended on September 9, 2010, (Chapter 38 of the Code of Ordinances of the Town of Foster Rhode Island) is hereby amended by specifically adding a line in the Use Table ARTICLE IV. ZONE REGULATIONS: SECTION 10. SERVICE INDUSTRIES as follows:

	AR	NC	GBM	MI	R-SC	M
6. Commercial Solar Installation	S	S	S	S	S	S