

SOLAR GARDEN ORDINANCE Town of Mapleton

Attest: A true copy as certified to me by the municipal officers of Mapleton
on the 12th day of February 2023.

Sandra L. Fournier
Town Clerk

- I. Title and Purpose: Pg. 3
- II. Effective Date: Pg. 3
- III. Types of Systems: Pg. 3-4
- IV. Permitted Use: Pg. 4
- V. Application Requirements: Pg. 4-5
- VI. Application Fees: Pg. 5
- VII. Standards: Pg. 6-8
- VIII. Decommissioning/Discontinuance: Pg. 8-9
- IX. Enforcement: Pg. 9
- X. Miscellaneous: Pg. 9-10
- XI. Definitions: Pg. 10-12

Title and Purpose

This ordinance shall be known as the Solar Garden Ordinance for the town of Mapleton, Maine.

The purpose of this ordinance is to enable the Town of Mapleton to:

- a) Establish clear guidelines, standards and time frames for the town to regulate Solar Garden Systems.
- b) Be informed of placement of said solar gardens.
- c) Permit the town to fairly and responsibly protect public health, safety and welfare.
- d) Protect natural resources of Mapleton.
- e) Allow for orderly development of land.
- f) Protect property values in the town of Mapleton.

Effective Date

This ordinance shall be effective upon its adoption by vote of the eligible voters of the Town of Mapleton, at a town meeting.

Types of Systems

Personal Use Solar Garden Systems

A solar array system that is used to capture solar energy and supply primarily for personal on-site use.

Commercial Solar Garden Systems.

An area of land or other area used by property owner and/or corporate entity for solar collection for profit. Commercial Solar Garden Systems do not have a limit on rated nameplate capacity and can be up to 150 acres and not allowed within

2000 feet of residential business, residential, or industrial zones. Setback can be waived if proper screening or conditions are met set forth by the planning board.

Permitted use

No person shall construct a Personal Use or Commercial Solar Garden System without obtaining a permit from the Code Enforcement Officer, herein referred to as CEO, or Planning Board as follows:

- a) For Personal Use Solar Garden Systems approval by CEO is required for the construction and or the expansion of all free-standing solar array systems.
- b) For Commercial Garden Systems approval by the planning board is required for the construction and or expansion of all such solar array systems.

Application Requirements

Solar Garden Systems shall be subject to the provisions set forth in this Ordinance for the Town of Mapleton and the following application requirements:

Personal Use Solar Garden Systems.

You must provide the following before your project will be reviewed:

- a) A building/land use permit.
- b) A site plan provided by the solar contractor performing the work which includes:
 - a. Drawings showing the proposed layout and location on a parcel including distances to nearby structures and property lines.
 - b. Construction timeline.

Commercial Solar Garden Systems

You must provide the following before your project will be reviewed.

- a) A building/land use permit
- b) A site plan which includes:

- a. A description and drawings showing entire scope of the proposed project, layout and location on a parcel and distance to nearby structures and property lines.
- b. A description detailing the entire scope of the project.
- c. Construction timeline including anticipated on-line date.
- c) If the operator will be leasing the land, a copy of the agreement clearly outlining the relationship inclusive of the rights and responsibilities of the operator and the landowner
- d) A description of the panels to be installed, including make, model, and associated major system components.
- e) A copy of the agreement with the power company, clearly indicating which party is responsible and how they will be operated and maintained.
- f) Any relevant environmental studies.
- g) A stormwater plan as well as well as any erosion and sedimentation control plans.
- h) An operations and maintenance plan.
- i) An emergency management plan for all anticipated hazards.
- j) A decommissioning plan.
- k) Copy of the bond given to the state of Maine.

Application Fees

All personal use and commercial solar garden system applications shall fall under the same fee schedule as any other building permit in Mapleton.

- a) \$5 per thousand-dollar valuation (minimum \$50)
- b) Planning Board Meeting: \$40 plus cost of advertising (fee can be waived)
- c) Board of Appeals: \$40 plus cost of advertising (fee can be waived)

Standards

Standards for Personal Use Solar Array Systems.

Personal Use Solar Array System can be permitted in all locations as long as the follow standards are followed.

- a) No part of a system that is mounted on the roof or exterior wall of a building shall project more than two feet from the primary surface of the roof or the wall.
- b) No part of a ground mounted system shall be located between the front property line of the lot and the front wall of the building. This restriction shall not apply in any area where the front wall of the building is located more than 150 feet from the front property line.
- c) A ground-mounted system shall be screened from all public streets and all residential uses located within 100 feet of any portion of the solar array as measured from the closest part of the residential structure.
- d) A ground-mounted system is prohibited within any legal easement or right of way.
- e) Any roof mounted system shall provide evidence by a structural engineer that the roof structure can support the additional load of the system.
- f) Must have exterior disconnect.

Standards for Commercial Use Solar Garden Systems.

Commercial Use Solar Garden Systems permitted only in Residence and Farming District designated areas and the following standards must be followed:

- a) Project must be 500 feet from any primary residential dwelling and follow all town set back standards.
- b) Ground-mounted solar energy systems shall be buffered from all public roads and residences by plantings, berms, and natural topographical features.
- c) All solar gardens shall be protected by a perimeter fence. Such fences shall allow for small wildlife passage and movement.
- d) At least one sign is required to identify the owner/operator and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the array of any potential voltage hazards.
- e) After 2 pole lengths off the road, all electrical must be buried to State of Maine standards.

- f) Any solar array system is prohibited on any legal easement or right of way
- g) Owner or operator shall provide a copy of the project summary, electrical schematics, and site plan to the Fire Chief. Owner or operator shall also coordinate with local emergency services in developing an emergency response plan. A 3200 series Knox-Box, or agreed equivalent, shall be provide and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquires throughout the life of the installation.
- h) When any portion of a solar array is removed any earth disturbance must be graded and re-seeded per state standards.
- i) The owner shall maintain the facility in good condition. Maintenance shall include, but not be limited to painting, structural repairs, vegetative screening, fences, landscaping, plantings, and integrity of security measures.
- j) Site Access shall be maintained to a level acceptable to the fire chief for emergency response and the code enforcement officer. The owner or operator shall be responsible for the cost of maintaining any access roads, including regular plowing of snow to maintain road access.
- k) Exterior lighting shall be limited to that is required for safety and operational purposes.

Decommissioning/Discontinuance

For Commercial Use Solar Gardens, decommissioning of the entire facility will begin if twelve (12) consecutive months of no generation occurs at the facility.

- a) Decommissioning/ Decommissioning Funds are required for all solar energy development.
- b) A person may not construct, cause to be constructed or operate a solar energy development with ground-mounted solar panels without submitting a copy of a decommissioning plan from the permitting entities, State, Federal, and local.
- c) A detailed decommissioning plan with a documented decommissioning costs and salvage value projections are required with submission of a building application to the Town. The salvage value projections and

decommissioning cost shall be either produced by, or reviewed by an independent licensed engineer. All decommissioning plans shall adhere to the Maine Solar Decommissioning Law 35-A M.R.S.A § 3495.

- d) In order to facilitate and ensure appropriate removal of the solar array equipment when it reaches the end of its useful life, or if the applicant ceases operation of the facility, the owner, operator, and or land owner will notify the CEO by written and signed documentation.
- e) If operating on leased land, the landowner may be held liable for decommissioning if operator declares bankruptcy.
- f) Upon a transfer of ownership of a solar energy development, subject to an approved decommissioning plan, a person that transfers ownership of the development remains jointly and severally liable for implementation of the plan until the permitting entities, State, Federal, and local, approves transfer of the decommissioning plan to the new owner or operator.
- g) Prior to construction all permitting entities, State, Federal, or local, shall approve a decommissioning plan whenever it finds the following:
 - 1.) The plan, if implemented, will result in successful decommissioning of the solar energy development, including the restoration of farmland sufficient to support resumption of farming or agricultural activities;
 - 2.) The person identified in the plan as responsible for decommissioning demonstrates financial assurance, in the form of a performance bond, surety bond, irrevocable letter of credit or other form of financial assurance acceptable to the permitting entity, State, Federal, and local for the total cost of decommissioning; and
 - 3.) The plan requires the financial assurance be updated 15 years after approval of the plan and no less frequently than every 5 years thereafter. Updates to financial assurance required under this subsection must be submitted to the permitting entities on or before December 31st of the year in which such updates are required.
- h) The site is subject to CEO inspection at upon reasonable notice.

Enforcement

- a) Any enforcement of Personal Use Solar Garden Systems is up to the Code Enforcement Officer.
- b) Any enforcement of Commercial Use Solar Garden Systems will be up to the towns code enforcement officer with the approval from the Select Board.
- c) As and additional means of enforcement the CEO may suspend or revoke any permit issued if it determines after notice and hearing that it was issued in error or upon incomplete or false information, or the that applicant has failed to comply with any conditions of approval. Upon such suspension or revocation all operations addressed by said permit shall cease until a new approval or permit is obtained under this ordinance by the applicant within ninety days of suspension or revocation. If no approval or permit is issued within ninety days of suspension or revocation the decommissioning plan must start.

Miscellaneous

Amendment After Approval

- a) No modifications shall be made in approved applications unless they have been resubmitted and approved by CEO for personal or by planning board for commercial. The intensity of the review will be determined by the Planning board and depends upon the complexity of the proposed alteration.

Administrative Appeals

- a) All administrative appeals shall follow the procedure of the board of appeals.

Amendment of this Ordinance

- a) The process for amending this Ordinance may be initiated by the Select Board and shall be adopted by the Town's legislative body at Town Meeting.

Definitions

Code Enforcement Officer (CEO): A person appointed by the municipal officers to administer and enforce an ordinance. Reference to the CEO may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable

Commercial Solar Garden System: A solar collection system that's primary goal is to collection solar energy for Profit.

Decommissioning: Means the physical removal of all components of a solar energy development, including but not limited to solar panels and associated anchoring systems and foundations to a depth of at least 24 inches or to the depth of bedrock, whichever is less, and other structures, buildings, roads, fences, cables, electrical components or associated facilities and foundations to a depth of at least 24 inches or to the depth of bedrock, whichever is less, to the extent the components of the development are not otherwise in or proposed to be placed in productive use or otherwise authorized to remain in place by the environmental permitting entity. For any portion of a solar energy development located on land classified as farmland any time within 5 years preceding the start of construction of the development, "decommissioning" means the physical removal of all such components of the development to a depth of at least 48 inches or to the depth of bedrock, whichever is less, to the extent such components are not otherwise in or proposed to be placed in productive use or otherwise authorized to remain in place by the environmental permitting entity. "Decommissioning" includes the grading to postconstruction grade and revegetation of all earth disturbed during construction and decommissioning, except for areas already restored

Emergency Management Plan: An emergency management plan is a course of action developed to mitigate the damage of potential events that could endanger a facility's ability to function.

Financial Assurance: Is a financial instrument provided by an entity to ensure timely environmental cleanup should an owner or operator be unable or unwilling to perform required environmental actions.

Operations and Maintenance Plan (O&M Plan): Combination of general maintenance, management, training, budgeting, and business processes that are used collectively for the proper functioning of a facility.

Permitting Entity: The Department of Environmental Protection in the case of a solar energy development: (1) Located wholly or partly outside of the unorganized areas; or (2) Subject to the department's jurisdiction pursuant to Title 38, chapter 3, subchapter 1, article 6; or B. The Maine Land Use Planning Commission in the case of a solar energy development located wholly in the unorganized areas and not subject to the jurisdiction of the Department of Environmental Protection pursuant to Title 38, chapter 3, subchapter 1, article 6.

Personal us Solar Garden Systems: A solar collection system that is used to capture solar energy primarily for on-site use and to offset installers electrical use.

Planning Board: The Planning Board for the Municipality.

Primary Residence: A person's primary residence, or main residence is the dwelling where they usually live, typically a house.

Pure Tone: A tone of a single frequency produced by simple harmonic vibrations and without overtones.

Residence and Farming District: The R-F District is established as a district in which the principal use of the land is for agriculture, forestry, rural-type residence, and customary associated uses. Included in this district are certain uses unsuited to the more densely developed urbanized portions of town. Large lots, with ample space between buildings, are required as a means of reducing fire hazards, and to provide sufficient area for both private water supply and septic disposal system on the same lot. Other purposes of this district include conservation of natural resources, reduction of soil erosion, and encouragement of appropriate recreational use of the land.

Transfer of ownership: Means a change in the legal entity that owns or operates a solar energy development. A sale or exchange of stock or membership interests or a merger is not a transfer of ownership as long as the legal entity that owns or operates the solar energy development remains the same.

