

# PROPOSED AMENDMENTS TO THE ZONING ORDINANCE RELATIVE TO SOLAR ENERGY SYSTEMS

~~Shaded Strike through~~ indicates wording removed

Underline indicates wording added

Asterisks ( \* \* \* ) indicates existing wording omitted before or after

## 2.7 Land Use Chart

### ANY USE NOT LISTED HEREIN IS PROHIBITED

**C** = Conditional Use Review

**LPI** = Licensed Plumbing Inspector

**N** = Not Permitted (use not allowed)

**P** = Permitted (use allowed without a permit, must comply with all applicable land use standards)

**R** = CEO Review (use must be reviewed by CEO and a permit may be required)

**S** = Site Plan Review

**SD** = Subdivision Review

**NA** = Not applicable

	Village Area	Transition Area (2 acre)	Rural Area (2 acre)	Critical Rural Area (5 acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection Dist.
<b>2.7.6 – ESSENTIAL SERVICES</b>												

\* \* \* \*

e. Renewable energy installed on an existing structure <u>(Non-solar)</u>	R	R	R	R	R	R	R	R	R	R	R	R
f. Renewable energy installed on a non-existing structure <u>(Non-solar)</u>	C	C	C	C	C	C	C	C	N	C	C	C
g. <u>Solar Energy System, Accessory</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>	<u>R4</u>
h. <u>Solar Farm, Medium</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

<b>i. Solar Farm, Large</b>	<b><u>N</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>N</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
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Footnotes:

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4. Reserved Accessory Solar Energy Systems generally require CEO review, except that Site Plan review is required for ground-mounted systems that are accessory to uses other than single and two-family dwellings. See § 5.29.2(c) & (d).

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**ARTICLE 3 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

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**3.2 Definitions**

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**Sludge** – Solid, semi-solid, or liquid residual generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or wet process air pollution control facility; or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Act as amended.

**Solar Energy System** - A device or structural design feature for which the primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**Solar Energy System, Accessory** - Solar Energy System generating power for on-site consumption or to offset electrical use for on-site accounts shall be considered accessory to the principal use when it is incidental and subordinate to the principal use or structure and located on the same lot. Excess energy may be fed back to the public utility.

**Solar Farm, Large** - A Solar Energy System, roof or ground mounted Photovoltaic Array, which generates electricity for off-site accounts, and has an array area (including panel area and inter-panel space) of 2 acres or more.

**Solar Farm, Medium** - Solar Energy System, roof or ground-mounted Photovoltaic Array, which generates electricity for off-site accounts and has an array area (including panel area and inter-panel space) smaller than 2 acres.

**Spring Water Extraction** – Removal for commercial use of groundwater that comes to the surface under natural hydraulic pressure for at least six months of the year.

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**5.29 Solar Energy Systems**

Solar Energy Systems must obtain all applicable permits from the Acton Code Enforcement Officer and the State of Maine.

**5.29.1** Solar Energy Systems generating power for on-site consumption shall be considered Accessory to the Principal Use.

a. Solar Energy Systems, Accessory shall be permitted wherever Accessory Uses are permitted and shall conform to the standards of the applicable districts.

b. The maximum height of a roof-mounted Accessory Solar Energy Generation System shall be the maximum building height set forth in the applicable zoning district(s). The maximum height of a ground-mounted Accessory Solar Energy Generation System shall be 25 feet, measured from the ground level to the highest point of the facility when oriented at maximum tilt.

c. Ground-mounted Accessory Solar Energy Generation Systems accessory to uses other than single and two-family dwellings are subject to Site Plan Review. Ground-mounted Accessory Solar Energy Generation is not allowed in the Shoreland, Little Ossipee and Resource Protection zones.

**5.29.2** Solar Energy Systems generating power for off-site consumption shall not be considered an Accessory Use, are subject to Site Plan Review, and shall conform to the standards of Solar Farm, Medium, or Solar Farm, Large, as listed below.

**a. Application Requirements:**

1. Outside agency permitting must be completed prior to application submission.

2. A fully executed and signed copy of the application for Site Plan Review. The application will be provided by the land use department.

3. Name of the owner and operator of the facility, and the names of the owner of the property.

4. Cover letter describing the project, with details on the size and location of the proposed system and the subject property.

5. Plans (including location of proposed system, identifying the location of the facility on the property and physical dimensions of the system and the property. Location of any public road, private road or right-of-way that is contiguous with the property. Location of overhead utility lines).

6. A decommissioning plan for the removal of the Solar Farm and stabilization of the site at the end of the useful life of the solar photovoltaic (PV) technology. A decommissioning plan shall include details how the owner or operator of record of the Solar Farm will ensure completion of the following tasks:

a. Physical removal of all Solar Energy Generation System components (including solar collectors, mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure), structures, foundations, supports, fencing and security barriers from the site.

b. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal laws and rules.

c. Stabilization of re-vegetation of the site as necessary to minimize erosion and return the site to substantially its pre-construction state. Native, pollinator-friendly seed mixtures shall be used to re-vegetate areas to the greatest extent practicable.

7. The following submission requirements apply to applications for Large and Medium Solar Farms:

- a. Written documentation from the Maine Historic Preservation Commission (MHPC) regarding any known or likely historic, prehistoric, or archaeological resources located in or on the subject property.
- b. Written documentation from the Maine Natural Areas Program (MNAP) regarding the presence of rare or exemplary natural communities located on the subject property.
- c. Written documentation from the Maine Department of Inland Fisheries and Wildlife (MDIFW) regarding known locations of rare, endangered or threatened species and habitats.
- d. For Solar Farms that trigger review by the Maine Department of Environmental Protection the applicant shall provide a copy of the Site Law application submitted to MDEP and any permits granted.

**e. Standards:**

1. Minimum Lot Size: 5 acre minimum
2. Maximum Developed Area/Area of Disturbance per Solar Farm: 20 acres
3. Maximum Height for ground-mounted solar facilities: 25 feet, measured from ground level to the highest point of the facility when oriented at maximum tilt.
4. Minimum Setbacks, Front, Side, and Rear: 75 feet
5. Minimum Road Frontage: 50 feet
6. A sign shall be required to be installed on the property to identify the owner and provide a 24-hour emergency contact phone number.
7. All electrical and control equipment for a ground-mounted Solar Farm shall be labeled and secured to prevent unauthorized access.
8. Solar Farms must maintain a fifty (50) foot wooded buffer at the property's front, side, and rear lot lines. The Planning Board may require additional plantings to create a naturalized vegetated buffer.
9. The applicant or owner of a Large or Medium Solar Farm is required to submit records to the Acton Code Enforcement Officer every six months to demonstrate that the Solar Farm is producing energy. Decommissioning and removal of the Solar Farm is required after six (6) consecutive months of no energy generation. The owner or operator shall remove the system in its entirety no later than (12) months after the end of the six-month period of no energy generation.
10. Removal surety required for all Solar Farms. Upon Site Plan approval, and prior to applying for any applicable building permits for a Solar Farm, the applicant shall submit to the Town a surety in the form of a bond to be approved by the Planning Board in the amount of 125% of the estimated removal costs. Such costs will account for physical removal of all structures, systems, equipment, security barriers and electrical lines, disposal of all solid and hazardous waste, and stabilization or re-vegetation of the site as necessary to minimize erosion. The surety shall be kept in effect throughout the lifetime of the system, and amount of the financial surety will be reviewed by the Planning Board or designee every ten (10) years and renewed or adjusted as necessary. At the end of

decommissioning provided the site has been fully reclaimed according to state guidelines as enforced by the Acton Code Enforcement Office the surety will be returned.

11. Large and Medium Solar Farms shall be located outside of any portions of a property within the Shoreland, Little Ossipee and Resource Protection Districts.

12. Solar Farms must be sited on land with less than a 50% slope.

13. All Solar Farms must meet the standards of DEP Chapter 500 rules for stormwater management and must show that post-development stormwater conditions will not increase the flow above pre-development conditions.

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Approved by the Planning Board 03/16/2023