

Solar Energy Systems Ordinance (Adopted June 5, 2017)

TOWN OF GREENVILLE SOLAR ENERGY SYSTEMS ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to establish a municipal review procedure and siting standards for Solar Energy Facilities. These standards are intended to:

- a. Establish clear guidelines and standards to regulate solar energy systems;
- b. Permit the Town to fairly and responsibly protect public health, safety and welfare;
- c. Support the development of solar energy systems in a manner that minimizes any potential adverse effects on the scenic, cultural, and natural resource character of the Town;
- d. Provide for the removal of panels and associated utility structures that are no longer being used for energy generation and transmission purposes; and
- e. Support the goals and policies of the Comprehensive Plan, including orderly development, efficient use of infrastructure, and protection of natural and scenic resources.

Section 2. Authority

This Ordinance is enacted pursuant to the enabling provisions of Article VIII, Part 2, §1 of the Maine Constitution, the provisions of Title 30-A MRSA, §3001 (*Home Rule*), and the provisions of Title 30-A §4312 et. seq. (*Comprehensive Planning and Land Use Regulation, or "Growth Management" Act*).

Section 3. Applicability

- a. No Solar Energy System shall be located within the Town of Greenville without a Conditional Use Permit issued by the Town of Greenville Planning Board, unless specifically exempted from the permit requirements of this Ordinance. Any physical expansion, reconfiguration, or increase in the Rated Nameplate Capacity of an existing Solar Energy System shall also require approval from the same permitting authority as required for a new Solar Energy System under this Ordinance. Routine maintenance or replacements do not require a permit.
- b. **Exemption.** Solar Energy Systems occupying 800 square feet or less are exempt from the requirements of this Ordinance, but must meet state electrical codes and permitting requirements, and applicable requirements of the Land Use Ordinance, including, but not limited, to Article 5 Table VI.

Section 4. Definitions

As used in this Ordinance, unless the context otherwise indicates, the terms referenced below have the following meanings:

- a. **Solar Energy System (SES)** - An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power for on-site and/or off-site use. Solar Energy Systems may consist of free-standing ground, building-integrated, roof-mounted solar collector devices, or other solar related equipment and other accessory structures and buildings, including, but not limited to: light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines; and other appurtenant structures. *Medium Scale*

Solar Energy Systems Ordinance

(Adopted June 5, 2017)

- SES's occupy more than 800 square feet of surface area but less than 20,000 square feet of surface area. *Large Scale* SES's occupy 20,000 square feet or more of surface area.
- b. **Building-Integrated Solar Energy System** - Means a solar energy system that is an integral part of a principal or accessory building, and includes, but is not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings.
 - c. **Code Enforcement Officer** – Means the Town of Greenville Code Enforcement Officer.
 - d. **Land Use Ordinance** – Means Land Use Ordinance for the Town of Greenville.
 - e. **Planning Board** – Means the Town of Greenville Planning Board.
 - f. **Rated Nameplate Capacity** - The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).
 - g. **Solar Array** - A grouping of multiple solar modules with the purpose of harvesting solar energy.
 - h. **Solar Cell** - The smallest basic solar electric device which generates electricity when exposed to light.
 - i. **Solar Energy** - Radiant energy (direct, diffuse and/or reflective) received from the sun.
 - j. **Solar Module** - A grouping of solar cells with the purpose of harvesting solar energy.
 - k. **Solar Related Equipment** - Items including: a solar photovoltaic cell, module, array; solar hot air or water collector device panels; lines; pumps; batteries; mounting brackets; framing; and possibly foundations or other structures used or intended to be used for collection of solar energy.

Section 5. Administration and Enforcement

- a. This Ordinance will be administered through the provisions of the Land Use Ordinance, specifically Articles II (Administration and Enforcement) and Article III (Permitting Requirements and Procedures), which are hereby incorporated by reference. Specific application requirements, standards of review, and other requirements pertinent to Solar Energy Systems within this Ordinance shall be added to the Application Requirements and Standards of Approval within the Land Use Ordinance. In case of a conflict, the stricter provision shall apply.
- b. **Permit Required.** A Conditional Use Permit from the Planning Board is required prior to the installation, construction, or expansion of a Solar Energy System. Solar Energy Systems must meet the requirements of this Ordinance and the Land Use Ordinance. All solar energy systems must also meet all federal and state electrical codes and permitting requirements.

Section 6. Location and Size

Subject to the requirements of this Ordinance and the Land Use Ordinance, Solar Energy Systems may be allowed as follows:

- a. Medium Scale SESs may be located in the Commercial/Industrial District and the Rural District.
- b. Large Scale SESs may be located in the Commercial/Industrial District.
- c. Medium Scale SESs and Large Scale SESs shall not be located in any Shoreland Overlay District or Critical Watershed Overlay District.

Solar Energy Systems Ordinance (Adopted June 5, 2017)

Section 7. Specific Application Requirements

In addition to the requirements listed in Article III of the Land Use Ordinance, an application for a SES Conditional Use Permit must also include the following:

- a. A description of the owner of the system, the operator if different, and detail of qualifications and track record to run the SES;
- b. If the operator will be leasing the land, a copy of the agreement (minus financial compensation) clearly outlining the relationship inclusive of the rights and responsibilities of the operator, landowner, and any other responsible party with regard to the SES and the life of the agreement;
- c. A description of the energy to be produced and to whom it will be sold;
- d. A copy of the agreement and schematic details of the connection arrangement with the transmission system, clearly indicating which party is responsible for various requirements and how they will be operated and maintained;
- e. A description of the panels to be installed, including make and model, and associated major system components;
- f. A construction plan and timeline, identifying known contractors, site control, and anticipated on-line date;
- g. An operations and maintenance plan, including site control and the projected operating life of the system;
- h. An emergency management plan for all anticipated hazards;
- i. Proof of financial capacity to construct and operate the proposed SES; and
- j. A decommissioning plan, including:
 - 1) A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of 12 months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.
 - 2) A description of the work required to physically remove all solar panels, associated foundations, buildings, cabling, electrical components, and any other associated facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing. [Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Solar Energy System. Any changes to the approved decommissioning plan shall be subject to review and approval by the Planning Board.]
 - 3) An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: panel removal, panel foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization, and road infrastructure removal and permanent stabilization.

Solar Energy Systems Ordinance

(Adopted June 5, 2017)

- 4) Demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the SES the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the SES. The financial assurance shall include a provision granting the Town the ability to access the funds and property and perform the decommissioning if the SES is abandoned or the Applicant or subsequent responsible party fails to meet their obligations after reasonable notice, to be defined in the agreement and approved by the Planning Board.

Section 8. Standards for Approval

In addition to the requirements in Articles V and VI of the Land Use Ordinance, the following standards must also be met:

- a. **Legal Responsibilities**: The Applicant must provide proof of authorization to construct, use, and maintain the property and any access drive for the life of the SES and including the decommissioning of the SES. The roles and responsibilities of the system owner, operator, landowner and any other party involved in the project must be clear and meet the satisfaction of the Planning Board that the public interest is protected.
- b. **Lot Size and Lot Coverage**: The SES shall meet the minimum lot size and maximum lot coverage requirements of the applicable zoning district.
- c. **Setbacks**: Structures within a SES shall be setback a minimum of 50 feet from the side and rear property lines and meet the front setback requirements for structures within the zoning district.
- d. **Prohibited Locations**: A SES or any of its components shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- e. **Utility Notification**: No grid-inter-tied photovoltaic system shall be installed until evidence has been given to the Planning Board that the applicant has an agreement with the utility to accept the power. Off-grid systems are exempt from this requirement.
- f. **Fencing**: The Planning Board may require that a SES be enclosed by fencing to prevent unauthorized access, and may also require landscaping to avoid adverse aesthetic impacts to adjacent properties.
- g. **Signage**: Signage shall be required to identify the owner of the SES and provide a 24-hour emergency contact phone number. This signage shall not be used for advertising except for reasonable identification of the manufacturer or operator of the SES. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the SES, informing individuals of potential voltage hazards.
- h. **Utility Connections**: Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

Solar Energy Systems Ordinance (Adopted June 5, 2017)

- i. Emergency Services: The SES owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Town of Greenville Fire Chief. Upon request, the owner or operator shall coordinate with local emergency services in developing an emergency response plan. A “3200 Series KNOX-BOX” shall be provided and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the SES shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- j. Maintenance Conditions: The SES owner or operator shall maintain the SES in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The SES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. Site access shall be maintained to a level acceptable to the Town of Greenville Fire Chief for emergency response. The owner or operator shall be responsible for the cost of maintaining the SES and any access road(s).
- k. Modifications: Any material modifications to a SES made after issuance of the required Town permit(s) shall require approval by the Code Enforcement Officer and/or the Planning Board.
- l. Satisfaction with All Aspects of Capacity and Plans Submitted: The Planning Board must find that the Applicant has the capacity to finance, safely operate and decommission the SES.
- m. Removal: When any portion of a ground mounted SES is removed, any earth disturbance must be graded and reseeded.
- n. Additional Requirements for Roof Mounted and Building Integrated SES:
 - 1) The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of supporting the collateral load of the SES.
 - 2) SES mounted on roofs of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.