

AMENDMENTS TO THE BLUE HILL COMMERCIAL SITE PLAN REVIEW ORDINANCE TO REGULATE COMMERCIAL SOLAR DEVELOPMENT

PREPARED FOR TOWN OF BLUE HILL REFERENDUM ELECTION
TO BE HELD ON APRIL 20, 2021

The Commercial Site Plan Review Ordinance of the Town of Blue Hill, Maine is proposed to be amended by adding the underlined words and by deleting the words shown in ~~strikethrough~~ format.

Section 2. Definitions

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Height (of a **structure**): The vertical distance between the mean original (prior to construction) grade at the downhill side of the **structure** and the highest point of the **structure**, excluding roof-mounted solar photovoltaic (PV) panels, chimneys, steeples, antennas, and similar appurtenances that have no **floor area**. For ground-mounted solar photovoltaic (PV) panels, the vertical distance between the mean original (prior to construction) grade at the point where a panel is fixed to the ground and the highest point of the panel.

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Solar energy system: A complete assembly of solar collectors and associated mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure that uses solar photovoltaic (PV) technology (including solar panels) to collect, convert, store, and deliver electricity for on-site or remote consumption. A **solar energy system** may be roof-mounted or ground-mounted.

Solar energy system, accessory: A **solar energy system**, other than a **solar microgrid**, that is (i) roof-mounted; or (ii) ground-mounted, whose **solar land area** does not exceed 0.5 acres, and whose nameplate capacity is 125 kW (DC) or less.

Solar farm, local-scale: A ground-mounted **solar energy system**, other than an **accessory solar energy system**, whose **solar land area** does not exceed 2.5 acres and whose nameplate capacity is 500 kW (DC) or less.

Solar farm, large-scale: A ground-mounted **solar energy system**, other than an **accessory solar energy system**, whose **solar land area** exceeds 2.5 acres or whose nameplate capacity is greater than 500 kW (DC).

Solar farm, permissible: Any **solar energy system** that is listed under Section 3(B) (the Table of Land Uses) as an allowed land use activity requiring a site plan review permit.

Solar land area: The aggregate area of land occupied by a ground-mounted **solar energy system**, including but not limited to: (i) solar panels and associated mounting hardware and equipment, (ii) all inter-panel space, and (iii) all impervious surfaces. **Solar land area** does not include parking lots, driveways, or roadways used to access the **solar energy system** or any areas adjacent to the **solar energy system** that are vegetated by grasses and must, by virtue of a legal instrument, be kept free of structures, trees, or shrubs in order for the system to capture sunlight.

Solar microgrid: A **solar energy system** of any size or nameplate capacity that shall operate independently of the electric grid to generate, store, and deliver electricity primarily for on-site consumption by multiple **principal uses** or **structures** located on one or more parcels of land within a geographically defined area that does not extend beyond the geographic scope of the Town of Blue Hill.

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Section 3. Site Plan Review Required

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B. Table of Land Uses

Land Use Activity	Site Plan Review Permit Required?
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14. Any <i>accessory solar energy system</i> .	No
15. Any <i>local-scale solar farm</i> .	Yes
16. Any <i>solar microgrid</i> .	Yes
17. Any <i>large-scale solar farm</i> interconnected with a line tap to a subtransmission line with a voltage of 46kv or less.	Yes

C. Prohibited Uses

The following land use activities within the Town of Blue Hill, and any **structures** associated with such activities, are prohibited:

1. Any <i>large-scale solar farm</i> that does not meet the requirements of Section 3(B)(17), above.
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Section 4. Application Procedures

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B. Major Developments

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8. Permissible Solar Farms

Any project that meets the definition of a *permissible solar farm*.

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E. Requirements for All Applications

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5. General information

The following general information is required:

- a. Name and address of **owner** of record and the facility operator’s name and address if different;

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F. Additional Reports for Specific Project Types

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3. Proposals for a **permissible solar farm** shall submit the following additional materials:
 - b. Evidence that the owner and operator of the proposal has adequate technical and financial capacity to adequately construct, operate, and decommission the **permissible solar farm**, including a statement or other documentation from a lending institution that the owner has secured financing to cover the cost of construction.
 - c. A statement prepared by a licensed professional engineer certifying that the **permissible solar farm** design is safe in terms of strength, stability, security, and grounding.
 - d. Plans prepared by a professional engineer or surveyor showing the location of all **solar energy system** components, existing and proposed structures, existing and proposed impervious surfaces, areas proposed to be cleared of vegetation, and their physical dimensions, including a calculation of the **solar land area**.
 - e. An operations and maintenance plan for the **permissible solar farm**, which must include the manufacturer-identified useful life of the facility and documentation of the entity that will be legally responsible for operating, maintaining, and repairing the facility for the term of its useful life.
 - f. A decommissioning plan for the removal of the **permissible solar farm** and stabilization of the site, which must include a proposed decommissioning time schedule and a statement of the owner's intent concerning the following:
 - i. Physical removal of any **solar energy system** components, structures, foundations, supports, fencing, or security barriers from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion and return the site to substantially its pre-construction state.

Section 5. Site Plan Review Process

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C. Review Procedures

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3. Complete applications

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b. Major Developments forwarded to the Planning Board

The **CEO** shall forward copies of a complete application and supporting documents determined to be **Major Developments** to the members of the Planning Board and place the project on the agenda of the next regular Planning Board meeting occurring not more than forty (40) days after the **CEO** determines the application is complete.

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Section 6. Site Plan Review Criteria

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G. Avoidance of adverse effects, generally

Criterion: Adequate provision has been made to avoid unreasonable adverse effects on the scenic or natural beauty of the area or the community in general, including scenic areas designated in the most recent Comprehensive Plan adopted by the Town, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including identified deer wintering areas, existing uses, air quality, water quality, or other natural resources within the Town or in neighboring towns.

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H. Avoidance of Adverse Effects on Nearby Properties

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3. Lot line setback

- a. Except as provided in Section 6(O)(1) and Section 6(H)(3)(c) below, all **structures** must be set back at least ten (10) feet from all **lot lines** and must be set back at least ten (10) feet from the edge of the traveled way of any **road**.
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J. Provision for Proper Operation

Criterion: Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate safety measures, utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements.

Minimum Standards:

1. For **Major Developments**, the project owner and operator of record shall have adequate technical and financial capacity to construct, operate, and decommission, as needed, the proposed development or land use activities on the site.
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O. Permissible Solar Farms

Criterion: **Permissible solar farms** shall meet the following minimum standards, in addition to the other requirements of this Ordinance.

Minimum Standards:

1. Minimum Setbacks. **Permissible solar farms** and all **structures** shall meet the following minimum setbacks:

	Minimum setback from any lot line	Minimum setback from any residence on an abutting lot
Local-scale solar farm	50 feet	100 feet
Large-scale solar farm	100 feet	100 feet
Solar microgrid	As the permitting authority determines is necessary to satisfy any other applicable requirements of this Ordinance	

2. The **height** of any ground-mounted solar photovoltaic (PV) panel associated with a **permissible solar farm** shall not exceed twenty-five (25) feet.
3. Decommissioning and Removal; Abandonment. The owner or operator of record of a **permissible solar farm** shall, at its expense, be responsible for the decommissioning and removal of the **permissible solar farm**, in compliance with a decommissioning plan approved by the **permitting authority**, within twelve (12) months of the end of the manufacturer-identified useful life of the solar photovoltaic (PV) technology, or 90 days of the receipt of a notice to the owner or operator of record of a determination by the **CEO** that the **permissible solar farm** has been abandoned. A **permissible solar farm** shall be considered abandoned if it ceases to generate electricity for a consecutive period of twelve (12) months. The **permitting authority** may extend the 12-month decommissioning deadline if the owner or operator of record demonstrates that the solar photovoltaic (PV) technology

is likely to remain economically feasible for its intended use for longer than twelve (12) months after the end of its manufacturer-identified useful life.

4. Performance Guarantee. The **permitting authority** may, as a condition of approval, require the owner of a **permissible solar farm** to provide a performance guarantee in the form of an escrow account, irrevocable letter of credit, or other form satisfactory to the Town in an amount equal to the anticipated total cost of decommissioning. The amount of the performance guarantee may be reviewed and adjusted by the **permitting authority** from time to time during the manufacturer-identified useful life of the solar photovoltaic (PV) technology if the anticipated cost of decommissioning materially changes.