



Town of South Thomaston, Maine
125 Spruce Head Road
P.O. Box 147
South Thomaston, ME 04858-0147

Tel: 207-596-6584
Fax: 207-596-7529
E-mail: terri@souththomaston.me

Selectmen:
Jan Gaudio
Walter Reitz
John Spear

PROPOSED ORDINANCE
Town of South Thomaston Solar Farm Ordinance
15 June, 2021

Synopsis: Ordinance to allow large scale solar energy systems in the R-1 district subject to setback, height, screening, maintenance, safety, and decommissioning requirements, subject to Planning Board approval.

Whereas the Town of South Thomaston deems it in the best interest of its citizens to enact a Solar Farm Ordinance. Now Therefore the Town of South Thomaston does ordain as follows:

1. **Title:** This Ordinance shall be known and may be cited as the “Solar Farm Ordinance”.
2. **Purpose:** The purpose of this Ordinance is to allow solar farms in the R-1 district subject to setback, height, screening, maintenance, safety, and decommissioning requirements, subject to Planning Board approval.
3. **Applicability:**
 - A. This Ordinance shall apply to Small and Large Scale Solar Energy System applications filed with the Planning Board after 15 June, 2021.
 - B. This Ordinance shall authorize Large Scale Solar Energy Systems to be installed only in the R-1 district of the Town of South Thomaston, except on properties owned by the Town.
 - C. This Ordinance shall authorize Small Scale Solar Energy Systems to be installed in any district without a permit, subject to the dimensional requirements outlined below and any relevant provisions of other South Thomaston town ordinances. Small Scale Solar Energy Systems, for commercial purposes, require Planning Board approval as a Commercial Use.
4. **Definitions:**

Solar Energy System: a facility whose 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.

Large Scale Solar Energy System: for purposes of this Ordinance: (a) a solar energy system that has a physical size based on total airspace projected over the ground greater than 20,000 square feet; and is

structurally attached to the ground.

Small Scale Solar Energy System: for purposes of this Ordinance:

- (a) a solar energy system that has a physical size based on total airspace projected over the ground smaller than 20,00 square feet, or
- (b) is structurally attached to the roof of an existing or newly constructed building.

5. Dimensional Requirements:

- A. Solar Energy Systems of either large or small scale will not exceed 25 feet in height.
- B. For Large Scale Solar Energy Systems: minimum front setback shall be 50 feet, minimum side setback shall be 50 feet and minimum back setback shall be 50 feet.

6. Screening, Security, Maintenance and Regulatory Compliance:

- A. Subject to the approval of the Planning Board, Large Scale Solar Energy Systems shall be buffered from roads and residences by plantings, berms, or natural topographical features.
- B. Subject to the approval of the Planning Board, Large Scale Solar Energy Systems shall be protected by a perimeter fence. One or more signs shall be affixed to the fence identifying the owner of the facility and emergency contact information.
- C. For purposes of emergency services, the owner or operator of Large Scale Solar Energy Systems shall provide a copy of the project summary, electrical schematic, and site plan to the South Thomaston Fire Chief. Upon request, the owner or operator shall cooperate with the Fire Department in developing an Emergency Response Plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Code Enforcement Officer and the Fire Chief for public inquiries throughout the life of the installation.
- D. The owner or operator of a Large Scale Solar Energy System shall maintain the facility in good condition. Maintenance shall include but not be limited to, painting, structural repairs, vegetation control and integrity of security measures. Site access shall be maintained to a level acceptable to the South Thomaston Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s) unless the road(s) is accepted as a public way.
- E. The owner or operator of a Large Scale Solar Energy System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.

7. Performance Guarantee: After Planning Board approval but before a permit is issued, the applicant for a Large Scale Ground Mounted Solar Energy System shall submit to the Town of South Thomaston a performance guarantee in the amount of 150% of the applicant's estimated demolition cost of the system, subject to a review of such cost by the Code Enforcement Officer. The applicant may apply to the

Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Code Enforcement Officer.

8. Decommissioning and Removal

- A. Any Large Scale Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed. For Large Scale Solar Energy Systems, removal shall take place pursuant to a plan approved by the Planning Board during the application process. The owner or operator shall remove physically the installation no more than 180 days after the date of discontinued operations. For Large Scale systems, the owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.
 - B. Decommissioning shall consist of:
 - (1) physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;
 - (2) disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and
 - (3) stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.
 - C. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, Large Scale Ground Mounted Solar Energy Systems shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.
 - D. If the owner or operator of a Large Scale Ground Mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of South Thomaston retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.
- 9. Authority:**
- A. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, provisions of 30-A, M.R.S. § 3001, Ordinance Power, and the provisions of 30-A, M.R.S. § 4352, Zoning.
 - B. To the extent that any provision of this Ordinance is deemed invalid

by a court of competent jurisdiction, such provision shall be removed from the Ordinance and the balance of the Ordinance shall remain valid.

10. **Effective Date and Duration:** This Ordinance shall take effect on 15 June, 2021 upon enactment by the Town of South Thomaston unless otherwise provided and shall remain in effect until it is amended or repealed.
11. **Enforcement Violations and Penalties:** This Ordinance shall be enforced by the municipal officers or their designee. Violation of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A, M.R.S. § 4452, Enforcement of Land Use Laws and Ordinances, or as amended.