Town of

Stockton Springs

Maine

Solar Energy Systems (SES) Ordinance

Adopted by the Town of Stockton Springs: June 13, 2026

Attested By: Diane E Reynolds

Title: Town Clerk

Seal:

TOWN OF STOCKTON SPRINGS, MAINE
SOLAR ENERGY SYSTEMS (SES) ORDINANCE

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ARTICLE 1: PURPOSE: The purpose of this ordinance is to establish a municipal review procedure and performance standards for any Solar Energy Systems (SES). These standards are intended to:

A. Establish clear guidelines, standards, and time frames for the Town to promote responsible Solar Energy Systems (SES).

B. Permit the Town to fairly and responsibly protect public health, safety, and welfare.

C. Minimize any adverse effects of solar development on surrounding land use and protect town property values.

D. Provide for the decommissioning and removal of solar panels and associated utility structures that are no longer being used for energy generation and transmission purposes.

E. Support the goals and policies of the Town of Stockton Springs, including orderly development and preservation of the town's character, efficient use of infrastructure, and protection of natural, scenic, and agricultural resources of the Town.

ARTICLE 2: TITLE, AUTHORITY, AND ADMINISTRATION

A. **Title:** This ordinance shall be known as the Solar Energy Systems Ordinance of the Town of Stockton Springs, Maine.

B. **Authority:** This Ordinance is adopted pursuant to Home Rule Power as provided for in Article 8 of the State of Maine Constitution and under the authority granted to the Town by the Statutes of the State of Maine, Title 30-A M.R.S.A. § 3001, Ordinance Power, the provisions of 30-A M.R.S.A. §4311 et seq. (Comprehensive Planning and Land Use Regulation or "Growth Management Act", and the Solar Permitting on High Value Agricultural Land Rule).

C. **Administration:** This Ordinance shall be administered by the Planning Board and where applicable, Stockton Springs' duly appointed Code Enforcement Officer (CEO) and the Select Board.

1. This Ordinance may be amended by a majority vote at a Town Meeting. Amendments shall be initiated by majority vote of the Planning Board; or by request of the Board of Selectmen to the Planning Board; or on petition of ten percent (10%) of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

2. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

3. If any section, clause, paragraph, sentence or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this Ordinance.

4. This Ordinance shall be effective upon its adoption by vote of the eligible voters of the Town of Stockton Springs at the Annual Town Meeting.

ARTICLE 3: APPLICABILITY

A. **New Applicants**: This Ordinance applies to all solar energy systems including Industrial, Commercial, and Residential, as defined as Solar Energy Systems (SES) in **Article 11: Definitions**, including those with battery backup systems.

1. Residential and Commercial SES shall apply for and must receive approval from the CEO prior to the commencement of construction / installation.

2. Industrial SES shall apply for and seek planning board approval.

B. **Current Applicants**: Any previously approved, and legally operating solar energy system facility may continue subject to the Planning Board approved plans and conditions of approval. Any modifications being sought to previously approved plans shall be subject to Planning Board review and must meet the conditions of this Ordinance. All proposed expansions shall also meet the conditions and intent of this Ordinance.

ARTICLE 4: APPLICATION PROCEDURE

A. **Pre-application Meeting**: Prior to submitting a formal application, the applicant or his/her representative may request a pre-application conference with the Planning Board. Said request shall be made, in writing, to the Towns Code Enforcement Officer at least fourteen (14) days prior to the date of the meeting. Applicant shall provide the Planning Board with whatever information, relative to the proposed project, is available at the time of the pre-application conference. A pre-application conference is strongly advised. The pre-application conference shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the pre-application conference.

B. **Planning Board Meeting Request**:

1. Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal.

2. Allow the applicant to understand the development review process and required submissions.

3. Identify issues that need to be addressed in future submissions.

4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

C. **Site Review**: The Board may schedule a site inspection in accordance with **Section D.7.** below.

1. The proposed site, including its location, size, and general characteristics.

2. The nature of the proposed use and potential development.

3. Any issues or questions about existing municipal regulations and their applicability to the project.

4. Any requests for waivers from the submission requirements.

D. **Formal Application**: Application Submission and Review Procedures.

1. The applicant shall submit eight (8) collated paper copies of all written materials in addition to eight (8) collated printed plan sets and a digital copy of all plans and written materials in a digitally formatted document / application to the Town's Code Enforcement Officer (CEO).

2. The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation that meets the submission requirements set forth below. This material must be submitted to the Code Enforcement Officer twenty one (21) days prior to the meeting at which application will be considered.

3. At the time formal application is made, the Code Enforcement Officer shall give a dated receipt to the applicant and shall notify by first-class mail all property owners within five hundred (500) feet of the parcel on which the proposed development is located. Written notice of the pending application shall be provided to the Select Board, Town Manager, Fire Chief, and other interested parties.

4. Within thirty (30) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board, or designee, shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete, and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

5. As soon as the Board determines that the application is complete, the Board, or designee, shall notify the applicant in writing of this finding; meet the notification requirements of Section 6 below; and place the item on the agenda for substantive review within thirty (30) days of this finding or at the next scheduled Planning Board meeting, whichever is later.

6. As soon as the application is found to be complete, the Planning Board may schedule a public hearing, and shall notify the applicant on which the proposed development is located, per the requirements set forth in Section 8 below. If the Planning Board does not schedule a public hearing, the Planning Board will allow those so notified in Section 3 above to comment on the application before deliberations on Section 9 of this Ordinance commence.

7. After the first meeting at which the application is considered, the Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may decide not to hold an on-site inspection when the site is snow covered or otherwise inaccessible due to customary seasonable conditions. If an application is pending during a period when there is snow cover or the site is inaccessible, the deadline by which the Planning Board shall take final action on the application as specified in Section 8 below may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under Section 3 above.

8. The Planning Board shall take final action on said application within thirty (30) days of determining that the application is complete or at the next scheduled Planning Board meeting, whichever is later. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Board, or designee, shall notify the applicant, all officials who received notice under Section 6 above, and all parties who requested to be notified of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

9. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

E. **Application Fee**:

1. An application for site plan review must be accompanied by an application fee in such amount established by the Application, License, Permit, and Other Fees Ordinance. The fee schedule will be provided to the applicant by the Code Enforcement Officer upon request. This application fee must be paid to the Town of Stockton Springs and evidence of payment of the fee must be included with the application.

2. If/when peer review consultants have been engaged by the Town to review any element of an application, as discussed in **Article 6: Review Standards – A. General Standards of Review**, a peer review escrow account shall also be established.

3. Fee Schedule:

(a) Industrial SES:
$2500.00 application fee
$500.00 annual fee per SES location
(b) Residential SES:
$30.00 application fee
(c) Commercial SES:
$100.00 application fee

ARTICLE 5: REQUIRED APPLICATION INFORMATION FOR INDUSTRIAL SES

General Standards: The Planning Board shall approve, deny, or approve with conditions all applications for Industrial SES. The applicant shall have the burden of proving that their application is in full compliance with the requirements contained within this Ordinance. Applications for Industrial SES require Planning Board review and approval for land use. The submission shall contain at minimum the following exhibits and information:

A. **Application Information**: Applications for site plan review must be submitted on application forms provided by the Town of Stockton Springs. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The submission must contain at least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such a request must be made at the time of the pre-application conference or at the initial

review of the application if no pre-application conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.

1. Name and address, telephone numbers, and email addresses of the owner of record, developer, copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title or interest in the property on the part of the applicant. A copy of the purchase and sale agreement / lease agreement including all terms shall be provided, with any financial / personal information being redacted.

2. The names and contact information of any agents representing the project and written authorization of such.

3. Project name, address, and Tax Map and Lot number.

4. Names, addresses and Tax Map and Lot number of all abutting property owners or within one thousand feet (1,000') of the proposed subject property, including a plan illustrating abutting properties in relation to the project.

B. **Financial and Technical Capacity**: The applicant shall provide evidence of adequate financial and technical capacity to meet the standards required by this Ordinance. The Applicant shall provide the cost of the proposed development and evidence of financial capacity to complete it (i.e. letter from a bank, lending institution, or other similar source of financing; indicating the name of the project, amount of financing required, and statement from the financing source for the funding of the project shall be provided).

C. **Project Narrative and Supplemental Information**: The Applicant shall provide a detailed project narrative addressing the following:

1. A description of the proposed solar energy generating system, including a narrative of the project; the project location; the total electrical generation capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated components and how the system and associated components comply with the standards of this article.

2. A detailed description of the existing site conditions, including photographs from ground and sky perspectives and vantage points from abutting properties shall be provided. It shall specifically address all issues related to the protection of waterbodies, wetlands, endangered species, species habitat, and rare or endangered plants.

3. A detailed description of how the project will meet the screening standards contained within this Ordinance, including a Landscape Plan. If any plantings are required to meet the screening standards contained within this Ordinance, the Plan must be developed by a licensed landscape architect.

4. Information on any connections to the grid including evidence of meeting the local electric utility's transmission and distribution interconnection requirements (this item may be a condition of approval if a copy of the application for interconnection with the electric utility provider is submitted, but not yet approved prior to the determination of approval). A plan illustrating the location of all connections and associated equipment from the proposed solar facility to the electrical grid.

5. Documentation that the solar SES equipment has been approved under the UL certification program and that the system complies with all applicable local, state and federal codes/regulations and the standards regarding signal interference. Electrical component and connection information shall be in sufficient detail to allow for a determination that it meets state electrical codes. The documentation shall include anticipated life expectancy of the project and its components.

6. The anticipated construction date, construction timeline, construction completion date, and duration of the project.

7. Location, height, intensity and bulb type of all external lighting fixtures, the direction of illumination and methods to eliminate glare affecting adjoining properties.

8. The Application shall include information related to any air pollution generated from the site, during construction and when the facility is operational, including dust, fumes, vapors, and gases and includes a statement of compliance with MDEP regulations.

9. The Application shall include information related to any noise, glare, or vibration generated from the facility during construction and when the facility is operational.

10. The Applicant shall demonstrate that the development has sufficient water available for the reasonably foreseeable needs of the proposed use. The application shall further demonstrate that development will not lower the existing water quality of on-site or adjacent rivers, streams, brooks, wetlands, ponds, lakes, or groundwater.

11. The Applicant shall provide information that any sewage generated on the property will be disposed of in conformity with laws and rules of the Maine Department of Environmental Protection, and/or the State Plumbing Code and other applicable regulations.

12. The proposed development will provide for the adequate and timely disposal of solid wastes and hazardous wastes, during the construction and when the facility is operational. The plan shall demonstrate that all solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes and that all hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.

13. The applications shall include a list of the approvals required from state and/or Federal agencies, such as MDEP, MDIFW, Historical Preservation Society or The National Registry Commission (if applicable). The applicant shall provide proof that actions have been taken to secure required permits. (Note: The Town will not issue permits for the project until all required permits have been received by the Town)

D. **Site Plan**: An accurate scaled site plan of the subject property showing the planned location of the proposed solar energy generating system and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking and curb cuts on the subject property; specifications for all proposed electrical cabling/transmission lines, associated equipment and landscaping, including the tallest finished height of the solar collectors.

1. The site plan shall show any proposed off-site modifications to provide grid connections, or to maintain the proposed solar energy system, and roadway access to the installation.

2. Perimeter Survey, signed and sealed by Professional Surveyor relating to reference points showing:

a) True and Magnet north point.

b) Graphic scale.

c) Corners of parcel.

d) Existing property markers.

e) Date of survey.

f) Property acreage / square footage.

g) Required setbacks.

h) Existing locations and dimensions of any utility, sewer, water lines, easements, drainage ways, public or private rights-of-way.

E. **Existing Conditions Documentation**:

1. Name of the project, boundaries, and location map showing the site's location within the Town, North arrow and scale of the plan. Depending on the location of the property, a larger-scale locus map may be required showing other major developments in the area and other important natural resource features and the project's relationship to these features.

2. Existing site conditions and proposed development site conditions including such as streams, rivers, wetlands, vernal pools, and similar natural or environmentally sensitive features.

3. High resolution satellite / aerial photos of the existing project site and digitally modified images of the site illustrating all proposed tree / vegetation clearing areas, security fencing, development area, entrance/exits, and existing and proposed property lines.

4. High resolution satellite / aerial photos of the site relative to Town with major local roadways and landmarks identified.

5. Contour lines at two foot (2') intervals.

6. Existing and type of vegetation.

7. Easements, utilities, property / access rights, covenants, deed restrictions and similar.

8. All existing structures, land uses, property lines, including structures and access drives within one thousand feet (1,000') from the development area as defined. The abutting properties shall be identified by property owner, address and Tax Map and Lot number.

9. All plans or drawings shall be at a scale sufficient to allow review of the items listed, but in no case shall the scale exceed fifty feet (50') to the inch for that portion of the tract of land being proposed for development.

F. **Proposed Conditions Documentation**: The proposed condition plan shall include the following:

1. Existing and proposed topography at a minimum of two-foot (2') contours. The location of any one hundred (100) year flood plain shall also be shown and base flood elevations given. Indicate areas within the proposed site and within fifty-feet (50') of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards. The Planning Board may require a high-intensity soils map, prepared by a soils scientist licensed in the State of Maine, if conditions warrant.

2. Natural features such as streams, rivers, wetlands and environmentally sensitive areas and required setbacks from said natural resources. This shall include any resources impacted by the development area.

3. Wetland Delineation Mapping, including required setbacks and proposed impact areas.

4. The proposed vehicle access point to the site and sight lines from both directions shall be provided. All areas utilized for parking / loading, during construction and operation of the facility shall be provided and shall meet the short and long term needs of the project.

5. Location of all present and proposed utility systems, including sewerage system, water supply system, telephone, cable and electrical systems.

6. All existing and/or proposed easements, utilities, property / access rights, and property covenants.

7. Solar panel areas and all associated equipment / structures, such as; transformers, and existing or proposed above ground power lines shall be clearly identified on all plans including the maximum proposed heights of all structures.

G. **Landscape / Screening Plan**: Applications shall include detailed landscape / screening information. The plan/s shall include, at minimum, the following:

1. Required and proposed setbacks of the proposed development area, in compliance with Stockton Springs existing land use ordinance.

2. Existing vegetation / tree lines and proposed clearing areas, including any proposed selective cutting areas for solar corridors.

3. Solar panels and associated equipment.

4. Existing natural features and showing all existing natural land features, trees, forest cover and water sources (ponds, streams, lakes, brooks, wetlands and drainage retention areas) and all proposed changes to these features.

5. The application shall provide a soil stabilization plan of the solar panel "development area". This plan shall explain what vegetation is proposed to be removed, how it will be removed, existing and proposed topography and the proposed methods of stabilizing the land beneath the solar panels.

6. Ideally the project will be completely screened utilizing existing vegetation which will remain for the duration of the project. The project screening plan shall include photographs of existing vegetation surrounding the development area taken` from the adjacent roadway and abutting properties. For developments that can't immediately meet the screening requirements of this Ordinance utilizing existing vegetation, the Planning Board may consider an alternative plan. This shall include a landscape plan approved by the CEO which demonstrates that it will conform to the standards and intent of this Ordinance. Renditions of the buffer area shall be provided illustrating the proposed landscaping at installation (prior to facility operation) and comparisons of the growth of the proposed plantings that can reasonably be expected after five (5) years and ten (10) years of planting.

H. **Environmental Impact Assessment and Stormwater Management**: Applications shall include at minimum, the following information for the Planning Board to evaluate the environmental impacts of the proposed development:

1. A Stormwater Management Plan, prepared by an engineer licensed in the State of Maine shall be provided. Any site plan triggering MDEP Chapter 500, Stormwater Management Rules, shall conform to those regulations. The applicant shall obtain all necessary MDEP permits before the Planning Board grants project approval, unless the Planning Board grants such approval with conditions.

2. The Stormwater Drainage Plan shall show the existing and proposed method of handling storm water run-off, the direction of flow of the run-off, through the use of arrows, drainage ditches, swales, retention basins, and storm sewers.

3. The Application shall include an endangered species inventory and review, and eventual approval, from Main Department of Inland Fisheries and Wildlife (MDIFW) Maine Department of Environmental Protection (MDEP) and other associated agencies involved with the application review and permitting prior to Final Plan approval.

4. A wildlife corridor shall be provided, via a six inch (6") gap under the required security fencing, which shall be provided to allow wildlife to retain access through the site.

5. The narrative and / or mapping shall also specifically address anticipated temperature increases around proposed vegetation clearing areas and their relationship to adjacent wetlands, streams and other waterbodies and the endangered species who live in and around them.

6. The Application shall provide a detailed erosion control plan, by a licensed engineer, discussing and illustrating the protective measures that will be undertaken to minimize soil erosion and sedimentation of watercourses and water bodies utilizing best management practices specified in the Maine Erosion and Sediment Control Best Management Practices Manual as amended.

I. **Public Safety Submittal Requirements**: The Applicant for Industrial SES shall provide a detailed narrative and associated plans regarding public safety and emergency site access. The following information shall be included in the Application:

1. The Application shall illustrate that the layout of the facility provides for the safe movement of passenger, service, and emergency vehicles throughout the site. The plan shall show that all-season emergency access, snow removal and storage, and delivery and collection services can be safely accommodated. The roadway should also be maintained in good working order to prevent obstruction or damage to Town vehicles. An unimpeded emergency vehicle turnaround area shall be provided, and illustrated on all plans. The turn-around shall accommodate the largest emergency apparatus. The site safety and access plan shall be reviewed and approved by the Stockton Springs Road Commissioner and Fire Chief or their appointed designee prior to final plan approval.

2. The plan shall conform to the following:

a) A security fencing plan shall be provided, illustrating the locations of all proposed fences, fence openings / gates, and fully dimensioned interior access lanes shall be provided.

b) All proposed equipment / activities should be located completely within enclosed fencing.

c) Knox Key / Combination Boxes shall be provided at all gates and access points and shall be illustrated on the submitted emergency access site plan.

d) Fencing shall be installed with a six inch (6") gap at the bottom to allow wildlife to utilize the site while not being trapped inside the site. The plans shall include fully dimensioned security fence details including, access gate details, and all required warning signage.

3. The application shall provide an emergency response plan with inventories of all equipment/ chemicals onsite, equipment shut down locations and methods and all emergency procedures. The plan requires review and written approval from the Fire Chief prior to final approval being granted by the Planning Board.

4. The Application shall include a Property Maintenance Plan which shall include long and short term maintenance such as painting, structural repairs, repairing damaged panels and integrity of safety and security measures.

5. The locations of all associated electrical equipment such as transformers, equipment pads, etc. shall be illustrated on submitted plans. All equipment utilized in the operation shall be illustrated on all site plans and be fully dimensioned on detail sheets, including all above ground utilities and their means of support.

6. There should be minimal, if any lighting, since these will mostly be in rural areas. Any lighting should be fully cut off, downward directed, and not cast onto neighboring properties or create glare in roadways

7. Solar Panels shall be constructed of anti-reflective materials and a statement of such shall be included with the Application. The manufacturer's detailed description of the materials included and data regarding the degree of anti-reflectivity will be provided. Any hazardous materials used in the solar panels will be identified.

J. **End of Life – Decommissioning and Site Restoration Plan**: The proposal shall include a project decommissioning plan that includes:

1. A chronicle and timeline of the entire decommissioning process, from the date when the facility ceases energy production, through the Town's release of the financial surety required for the project.

2. A list of the equipment and materials that will be removed from the property, and any materials used for the operation, decommissioning and site restoration that are proposed to remain on site. Only decomposable organic materials may be disposed of on site.

3. A landscape plan, approved by the CEO, showing the improvements that will be undertaken to revegetate and stabilize all areas that were disrupted by the project and closure of such. The plans shall include photographs of the pre-installation conditions of the site and renderings of the site post-restoration.

4. All landscape materials utilized to meet the buffer standards for the project shall remain on the property until site re-development plans have received approvals from the Town.

5. A detailed decommissioning and site restoration estimate shall be provided in compliance with **Article 7: D. Decommission**.

ARTICLE 6: REVIEW STANDARDS

A. **General Standards of Review**:

1. The Planning Board shall approve, deny, or approve with conditions all applications for the development of a SES. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this Ordinance. After the submission of a complete application, the Planning Board shall approve an application or approve it with conditions if it makes a positive finding based on review of the standards contained within this Ordinance.

2. The Planning Board shall process and review each application in a similar and equitable manner. In order to accomplish this, the Planning Board shall follow the procedures listed in this section for each stage of the review process.

3. In addition, at any stage of the review process, when the Planning Board determines it is necessary to ensure compliance with the standards of this chapter, the Planning Board shall have the authority to refer, at the applicant's expense, all Industrial SES applications to the following: Fire Chief, Town Attorney, and/or qualified peer review

professionals of the Town's choosing, when the proposed site plan is deemed significant because of its size, location, effect on the environment, complexity of design, traffic impact, or other similar factors. At such time as the Planning Board decides to refer a proposed site plan to any consultant for review, it shall inform the applicant, in writing, of its decision and of the estimated peer review fee/s. The Planning Board shall take no further action to consider the application and all time periods requiring action by the Planning Board shall be stayed until the applicant pays to the Code Enforcement Officer the estimated peer review fee. The Planning Board shall inform the applicant of the actual fee and receive payment for any outstanding balance or refund the difference, if any, prior to making a final decision on the proposed Application.

4. Peer reviewer/s, such as those named above, may further be hired by the Town, as professional consultants, to inspect the improvements performed before the expiration date of the performance bond or, before issuance of a Certificate of Operation. If any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, he/she shall report to the Code Enforcement Officer and the Select Board. The Town shall then notify the applicant and, if necessary and applicable, the bonding company and take all necessary steps to preserve the municipality's rights under the bond.

5. Applications that received Planning Board approval under this section shall expire if elements of the site work beyond clearing of the site for new development or changes to an existing development are not commenced within one year from the date of Planning Board Approval, or if the work or change is not substantially completed within two (2) years from the date the approval was granted.

6. Renewal of a permit shall be treated as a new application at the Board's discretion and shall be subject to all provisions of this Ordinance. The Planning Board may grant a maximum of two (2), six (6) months project approval extensions, providing;

a) The extension request is made in writing.

b) The written request is made a minimum of thirty (30) calendar days in advance of project approval expiration.

c) The extension request includes an explanation to why the action is being sought and the reasoning why the Board should grant the extension.

d) The Planning Board may not grant an extension request if it would prohibit a pending application for another Industrial SES from moving forward.

7. Minor changes in approved plans necessary to address field conditions or structure orientation may be authorized by the Code Enforcement Officer provided that any such change does not affect the standards of this Ordinance or alter the intent of the approval. A request for any change to an approved plan shall be in writing to the Code Enforcement Officer. In making the determination to approve any change to an approved plan, the Code Enforcement Officer shall consult with the Planning Board Chair or the Chair's designee. All approvals for minor changes to approved plans shall be in writing by the Code Enforcement Officer. A copy of the written approval and revised site plan shall be filed with the Planning Board within thirty (30) calendar days from the date of the written approval. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as permitted above, is subject to review and approval by the Planning Board.

8. The Planning Board may waive any submission requirements and non-dimensional standards of this Ordinance, provided that such waiver will not have the effect of nullifying the purpose of this Ordinance or any other ordinance or law. In granting any waiver, the Planning Board shall require such conditions as will, in its judgment, substantially secure the objectives of the requirements so waived.

9. All construction, performed under the authorization of a building permit or Certificate of Operation issued for a development within the scope of this chapter, shall be in conformance with the approved site plan.

10. The application will not be approved or approved with conditions unless the Code Enforcement Officer has been provided with written confirmation that the public utility company to which the system will be connected has been informed of the customer's intent to install a grid connected system. The Code Enforcement Officer will not issue a Certificate of Operation until the owner provides a copy of the final inspection report and connection approval from the utility company.

11. The Application shall conform to the standards within the criteria for approval contained within this Ordinance.

12. The determination of compliance with the screening requirements contained within the Ordinance shall be determined by the Planning Board and enforced by the CEO.

13. An appeal of a decision, condition or interpretation by the Planning Board must be submitted to the Board of Appeals within 30 days after the date of the Planning Board vote which affects the decision, condition or interpretation unless specifically listed within the Ordinance. See **ARTICLE 10 - APPEALS**.

B. **General Restrictions and Dimensional Standards**: Due to the unique nature of Industrial SES and the need to screen the use from adjacent roadways and residential uses, the following restrictions and dimensional standards shall apply:

1. Dimensional standards are as follows:

a) The Town will authorize a total maximum development area of hundred (100) acres of land dedicated to Industrial SES. Once the maximum has been reached, no additional applications will be accepted unless and until the Ordinance is amended and approved at a Town Meeting, or an existing Industrial SES has been decommissioned.

b) The maximum development area for each Industrial SES, as defined in this Ordinance, shall be a maximum of ten (10) acres.

c) The development area of all ground mounted Industrial SES shall be setback a minimum of one hundred fifty feet (150') from all roadways and abutting properties.

d) Solar panels shall not exceed a maximum of fifteen feet (15') in height when oriented at maximum tilt to the vertical.

e) All associated equipment / structures, such as transformers, and similar shall not exceed fifteen feet (15') in height and be located so as not to be unsightly or hazardous to the public and will be landscaped or otherwise buffered so as to screen the components from public view.

f) The development must utilize below ground power lines where feasible, from the property connecting to the electrical network, but it shall be a maximum of fifty feet (50') in height from the existing grade.

g) Industrial scale battery storage (battery farm) is not permitted.

2. In addition to the above dimensional standard, Industrial SES shall be screened / buffered from roadways and abutting properties. Whenever feasibly possible natural features and vegetation shall be retained in order to adequately screen the site. Setbacks and screening shall be based upon the amount of existing vegetation and/or natural features being preserved. As such setbacks from all property shall meet one of the below setback and screening standards:

a) If the property has an existing visual buffer which is proposed to remain, which will screen the use from abutting properties and roadways, the development area shall be setback a minimum of one hundred fifty feet (150'), providing:

1) The setback / buffer is located entirely on the property being utilized for the development or within the lease area. The natural one hundred fifty foot (150') minimum buffer / screen will remain intact and protected in place for the life of the Industrial SES installation.

2) The buffer may consist of any combination of natural features such as existing vegetation, rock outcroppings, elevation changes and similar natural features.

3) If the Planning Board finds that small gaps within the natural buffer exist, the Applicant may be required to submit a landscape plan if infill plantings are required.

4) Soil Stabilization: All areas proposed to be cleared for solar panel installation shall include a soil stabilization plan. The plan shall include native ground covering grasses / plantings.

b) Plantings of native plants are strongly encouraged with a focus on pollinators.

c) For developments that can't meet the screening requirements of this Ordinance, utilizing existing vegetation in combination with natural features, the Planning Board may consider an alternative plan. The Applicant shall demonstrate that it will meet the intent of the screening requirements within the Ordinance. This "alternative plan" shall provide, at minimum the following:

1) A landscape plan shall be provided. This plan shall demonstrate that the site can meet the screening requirements of this Ordinance by providing a naturalistic designed landscape plan using a mix of native evergreen and deciduous trees, shrubs and understory vegetation. The intent of the landscape plan is to provide the fullest visual screening of the facility in the shortest period of time, while providing plantings that will provide fuller / denser coverage over time.

2) The development area shall be surrounded by a planting zone, a minimum of fifty feet (50') wide. This planting zone may be located anywhere within the required one hundred fifty feet (150') setback area to provide the most visual screening of the development area as feasible as possible. The planting area shall be placed so as to not require any selective cutting / trimming, for the creation of shade management / solar corridors in the future.

3) All plantings shall be staggered, to allow room for growth, and a planting zone designed as a natural feature with interspersed plantings of various heights and species.

4) All required plantings shall be installed prior to the facility being operational and shall be maintained for the duration of the project. A note shall be placed on the landscape plan stating that "all required plantings that become damaged, diseased, dead or dying shall be replaced with the same / similar plantings (size & species) at the time of replacement".

ARTICLE 7: FINANCIAL RESPONSIBILITIES

A. **Liability and Environmental Insurance**: The Development Owner shall maintain a current general liability policy for the SES that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the SES Development. The Applicant annually shall provide certificates of insurance to the Town of Stockton Springs.

B. **Escrow**: The Planning Board, with notice to the applicant, will hire independent expert consultants or specialists as they may deem necessary for advice in carrying out the provisions of this ordinance. All costs and expenses shall be paid for by the applicant through an escrow account. The escrow account shall be established when requested by the Town, for an initial amount of ten thousand dollars ($10,000) in the name of the Town. If the escrow amount falls below fifty percent (50%) of the original required deposit amount, full replenishment is required within thirty (30) calendar days of notice to the applicant. The Town reserves the right to cease review if escrow amounts are insufficient and the applicant fails to replenish the account upon request by the Town.

C. **Abandonment**:

1. Industrial SES, or a portion thereof, shall be decommissioned if it ceases to generate electricity for a continuous period of twelve (12) months after the start of operation. An extension of up to a year may be granted by the Planning Board depending on extenuating circumstances.

2. As part of permitting Industrial SES, the applicant shall submit a Decommissioning Plan to the Town with a cost estimate for the costs of decommissioning.

D. **Decommissioning:** Plan shall include financial assurance, naming the Town as beneficiary, to cover the costs associated with decommissioning the abandoned solar energy system through the life span of the facility. An independent and certified licensed Professional Engineer, selected by the Town, shall be retained to help establish the cost of decommissioning, without regard to salvage value, and itemize the estimated major expenses to restore the site to the requirements of the approved site restoration plan or MDEP approval, if applicable, or the requirements of the MDEP in effect at the time of decommissioning, whichever is more restrictive to the owner. The Decommissioning Plan will also include a defined timeline for the decommissioning process.

1. If the owner fails to complete the decommissioning of the Industrial SES within the established timelines, the Town may take such action as necessary (including court action, with all legal costs to be paid by the owner) to secure the posted decommissioning funds and to complete the decommissioning work. In the case of abandonment, the Town shall

utilize the decommissioning funds to decommission the solar energy system and take such action as necessary, including court action, to secure funds and to ensure completion of the decommissioning should the posted decommissioning fund not be sufficient to complete decommissioning.

2. The Planning Board shall not approve an application for an Industrial SES until the applicant has submitted an executed Decommissioning Access Agreement that authorizes the Town, or its agents, to enter onto the solar energy system property for the purposes of implementing the Decommissioning Plan upon the occurrence of a triggering event, as described in the Decommissioning Plan, that requires the implementation of decommissioning activities and the owner fails or refuses to commence decommissioning activities, such that the Town is authorized to access the bond or other financial guarantee to permit the Town to decommission the facility. The Decommissioning Access Agreement shall run with the land and shall be executed in a form suitable for recording in the County Registry of Deeds. Once a solar energy system has been decommissioned, the Town will release the Decommissioning Access Agreement and notify the County Registry of Deeds.

3. The financial assurance of decommissioning funds may be in the form of a performance bond, surety bond, or other form of bonded assurance, and shall demonstrate the financial assurance to the satisfaction of the CEO during permitting phases, and to the Select Board thereafter. Prior to the issuance of a Building Permit, the owner shall post and maintain decommissioning funds in an amount no less than one hundred fifty percent (150%) of the cost of decommissioning the project to be constructed under that Building Permit, as well as the cost to restore the site area developed under the permit. The financial assurance shall be maintained at one hundred fifty percent (150%) for the rest of the life of the solar energy system regardless of change of ownership. The CEO will inform the owner of the amount of coverage required at each two (2) year update/revaluation, described herein and the owner will provide proof of required coverage within thirty (30) calendar days of notification. Failure to do so will cause the Certificate of Operation to be rescinded.

4. Prior to final decommissioning, the owner of the Industrial SES shall submit a final decommissioning plan to the CEO for final review and approval. No decommissioning shall begin without CEO approval. The final plan shall include but not be limited to the following:

a) Anticipated start date of decommissioning.

b) Anticipated completion date of decommissioning.

c) Methods to remove all parts of the solar energy system including foundations and how they will be disposed of or recycled.

d) Areas and methods to restore disturbed land areas.

e) Cost for decommissioning based on Sub-Section 2 above.

f) All solar energy system materials shall be disposed of or recycled in a licensed facility; only rock, soil, and vegetation may be disposed of on-site. All foundations shall be removed to a minimum of twenty-four inches (24") below ground, except where the CEO finds that at least twenty-five percent (25%) of the area where the solar energy system is located was farmed, has soils designated as significant for farming, or is intended to be farmed, in which case foundations shall be removed to forty-eight inches (48") below ground.

5. Any proposed changes to the approved Decommissioning Plan, any changes that impact Bond, Escrow, Decommissioning, or Safety need to be immediately communicated to and approved by the CEO.

E. **Performance Guarantee / Financial Assurance Bond**:

1. In the event the owner is unable to secure an underwritten bond, etc. due to no underwriting entities existing, the Select Board may consider accepting one hundred fifty percent (150%) funded escrow account as an alternative. The escrow account would be opened by the owner prior to construction at a financial institution approved by the Select Board, in the name of the Town, to be managed by the Town Treasurer, in an amount to be established initially and at every two (2) year update/revaluation as described in this article.

ARTICLE 8: INSPECTIONS / UPDATES TO APPROVED PLAN / REVALUATION: For Industrial SES

A. **Anniversary Submission to CEO**: On every second (2nd) anniversary of the date of Certificate of Operation issuance, the owner shall submit to the CEO the following updated materials:

1. Updated Engineer's cost estimate for decommissioning of the project.

2. Updates for emergency or safety plans.

3. An Inspection Fee/Enforcement Fee in an amount established by the Select Board to cover anticipated solar energy systems-related inspection/enforcement costs during the coming two year period, based on its past experience with such costs. The time span between the two (2) year Update/Revaluation requirements may be changed at the discretion of the CEO. The owner must be informed in writing within seven (7) calendar days of the decision being made, including the reason(s) for the change and the new date for the Update.

4. Proof that all financial responsibilities described above are fulfilled.

B. **Reporting to the Town**: The reports to the Town shall include the following:

1. Dates and times of all scheduled or unscheduled inspection and maintenance visits.

2. Items identified for maintenance, replacement or repair and date / action taken towards resolution.

3. All safety and security incidents, with or without emergency services involvement.

4. Equipment failures and new equipment installed, including storage and monitoring systems since the initial approval or last update.

ARTICLE 9: ENFORCEMENT, ADMINISTRATIVE CONSENT AGREEMENT, AND LEGAL ACTIONS

A. **Enforcement**: It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, they shall notify by registered mail the property owner, responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, or structures. A copy of such notices shall be maintained as a permanent record.

B. **Administrative Consent Agreement**: The Select Board, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Any person or corporation who violates any of the provisions of this Ordinance or fails to comply with any of the requirements thereof shall, be punished by a fine of not less than one hundred dollars ($100) nor exceed twenty five hundred dollars ($2,500) per day, as determined by the Town via Consent Agreement. Each day on which such violations shall continue and shall constitute a separate offense. If the Consent Agreement process is initiated, but ultimately fails to result in an agreement, the Town may initiate judicial proceedings to achieve a resolution. The Town is not obligated to negotiate or enter into such agreement, and may initiate and / or continue judicial proceedings, including daily fines, at any time while the violation/s exists. In considering the terms of any administrative consent agreement the Selectmen shall consult with the Code Enforcement Officer. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

C. **Legal Actions**: When the above actions do not result in the correction or abatement of the violation or nuisance condition, the Select Board, upon notice from the Code Enforcement Officer, are hereby required to institute any and all actions and proceedings, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality, under 30-A M.R.S.A. § 4452.

D. **Change of Ownership:** Within 30 business days of a change in ownership, the new owner(s) or designated representative shall submit a memo to the Town of Stockton Springs stating they have reviewed the SES Ordinance, the application for the solar farm acquired with all of its related documentation and will abide by the requirements in these documents.

ARTICLE 10: **APPEALS:** The owner of the property, abutting landowner, or any person of standing aggrieved by a decision of the CEO or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) calendar days of the decision. The notice of appeal shall clearly state the reasons for the appeal and that the Appellant has legal standing.

ARTICLE 11: DEFINITIONS

ABANDONMENT: Industrial (SES), or a portion thereof, shall be decommissioned if it ceases to generate electricity for a continuous period of twelve (12) months.

ABUTTER: The owner(s) of property within one thousand feet (1,000') of the perimeter of the Solar Energy System (SES) installation site and any additional landowners as deemed necessary by the Planning Board, regardless if the properties are separated by a public or private street or right of way. The owners of property shall be considered to be the parties listed by the Tax Assessor of Stockton as the ones against whom taxes are assessed.

ACCESSORY STRUCTURE OR USE: A use or structure which is customarily both incidental and subordinate to the principal structure and is on the same lot only. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

ADMINISTRATIVE CONSENT AGREEMENT: Administrative Consent Agreement authority allows violations to be resolved in a negotiated settlement without the need for going to court. The Agreements are voluntary, and the terms and conditions of such agreements are the product of a negotiation process between the violator, the Town and / or other regulatory agencies. If the Administrative Consent Agreement process is initiated, but ultimately fails to result in an agreement, the Town may initiate judicial proceedings to achieve a resolution. The Town is not obligated, to negotiate, or enter into such agreement, and may initiate and / or continue judicial proceedings, including daily fines, at any time while the violation/s exists.

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of an approval, permit or waiver under this Ordinance; a person whose land abuts or is within one thousand feet (1000') of the project, or is across a road or street or body of water from the project for which an approval, permit or waiver has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such approval, permit or waiver.

APPLICANT: A person or entity who applies for a Solar Energy System (SES). An applicant can be the landowner of record or (SES) energy provider or agent of record with the landowner's (or other legally designated representative) written permission.

BATTERY BACKUP SYSTEMS: Large capacity battery that is grid or solar charged and connected to grid connected electrical system. This connection can be either manual or automatic transfer switch with the intent of powering a home or business automatically during a utility outage or manually as an alternative to utility power.

BONDING: A surety bond or guarantee. See **-** SURETY:

BUFFER: A way to screen the more intensive land use from the less intensive land use through the installation of landscaping, mounding, and/or fencing materials. Screening consists of a planting strip, existing vegetation, a slightly opaque wall or fence, or combination thereof, to the reasonable satisfaction of the Planning Board.

BUILDING PERMIT: The official written document to be displayed at the construction site that grants the authorization for the construction. This document is issued by the Code Enforcement Officer and required for subsequent operating permits.

CEO: The Town of Stockton Springs' duly appointed Code Enforcement Officer. (See: CODE ENFORCEMENT OFFICER).

CERTIFICATE OF OPERATION: The permit granted by the Stockton Springs' Code Enforcement Officer allowing the (SES) owner to bring the installation online to generate power at the property to the utility grid. Should operators fail to operate as the application was approved or in an unsafe manner the Code Enforcement Officer may rescind the Certificate of operation after notice and a hearing with the Owner, CEO and any additional relevant participants as requested by the Owner or CEO.

CODE ENFORCEMENT OFFICER (CEO): A person certified under Title 30**-**A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a the Town of Stockton Springs to enforce all applicable comprehensive planning and land use laws and ordinances.

COMPLETE APPLICATION: An application shall be considered complete upon submission of the required fee and all information required by this Ordinance and by a vote by Planning Board that an application has been deemed complete. The Planning Board shall issue a written statement to the applicant upon its determination that an application is complete.

CONSENT AGREEMENT: See ADMINISTRATIVE CONSENT AGREEMENT.

CONSTRUCTION: Includes building, erecting, altering, reconstructing, moving upon or any physical operations on the premises which are required for construction. Excavating, fill, drainage, and the like, shall be considered a part of construction.

DECOMMISSIONING: The process of removing the solar energy system and restoring the site to the standards described in the applicant's Town permit, the Maine DEP approval, if applicable, or the state's standards in effect at the time of decommissioning, whichever are more restrictive to the owner.

DEVELOPMENT AREA: The total area of the (SES) contained within the security fencing of the development. Properties are limited to a single (SES) with a maximum of 10 acres of development area.

DEVELOPMENT AREA - TOTAL ALLOWABLE ACRAGE: The Town will authorize a maximum of 100 acres of allocated land to Industrial SES development within the Town of Stockton Springs . Once the 100 acre maximum has been reached, no additional applications will be accepted. Each application is limited to a maximum of 10 acres of development area.

DRIVEWAY: A vehicular access-way serving one (1) lot that provides access to a street.

EXPANSION OF USE: The increase of the footprint of the development area, structures or land area devoted to a particular use including any increase in energy production beyond approved limits.

FOUNDATION: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material. This term includes any method of support / connection of solar panels systems to the ground.

FULL CUT-OFF LIGHTING FIXTURES: All light fixtures must be fully shielded and emit no light above the horizontal plane. There shall be no sag or drop lenses, side light panels, uplight panels, or similar lighting that is not dark sky compliant.

GAME FENCING: a fence constructed to a standard which is substantially more than a stock fence and which effectively controls the movement of wild animals out of or into defined area

GROUND MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.

GUARANTEE: See Surety.

HIGH INTENSITY SOIL SURVEY: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

INDUSTRIAL SCALE BATTERY FARM: Shall include, but not be limited to, any battery types or similarly designed electrical energy storage devices or units that store the electrical energy developed by the (SES) and allows for the discharge of this electrical energy into an electrical grid operated for the purposes of supplying electricity. Units of this type may be self-contained or constructed or placed within a building or container.

LOT: An area of land in one ownership, or leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

LOT COVERAGE: The percentage of the lot covered by all buildings, driveways, parking areas, other areas where vegetation is removed, and all of the area enclosed within the security fencing.

MDEP: Maine Department of Environmental Protection.

MDIFW: Maine Department of Inland Fisheries and Wildlife

MOUNTING: The manner in which a Solar Energy System is affixed to the ground, a wall, or a roof.

M.R.S.A.: Maine Revised Statutes Annotated.

OWNER: The owners of property shall be considered to be the parties listed by the Tax Assessor of Stockton Springs as the ones against whom taxes are assessed. The owner holds the ultimate responsibility for any actions taken on the property that are in violation of any federal, state and local codes and ordinances.

PEER REVIEW PROFESSIONALS: Independent expert consultants such as attorneys, licensed engineer/s, landscape architects, land use consultants, traffic engineers, and similar professionals recognized for their relevant expertise in reviewing development applications of this nature, when it is deemed significant because of its size, location, effect on the environment, complexity of design, traffic impact, or other similar factors. Peer Review Consultants review applications on behalf of, and report their findings directly to, the Town, and their associated fees are paid from an established Peer Review Escrow Account.

PEER REVIEW ESCROW ACCOUNT: The financial account established, by the Applicant, for the Peer Review Professional fees to be paid from, for their reviewing the application on behalf of the Town. The Planning Board or Select Board may, with notice to the applicant, hire independent expert consultants or specialists as they may deem necessary for advice in carrying out the provisions of this ordinance.

PERFORMANCE GUARANTEE: A performance bond or surety bond held by the Town of Stockton Springs; issued by an insurance company or bank to guarantee satisfactory completion of the project by the applicant; also denotes a collateral deposit of “good faith money”.

PERSON OF STANDING: any "persons aggrieved," which state courts have interpreted to include neighbors of the property in question, tenants, or taxpayers, provided they can show they are specially affected compared to the public at large.

RARE AND ENDANGERED SPECIES: Endangered, threatened or rare plants, animals or communities, identified by the Maine Natural Areas Program.

ROAD: Any public or private way designed for vehicular access, other than driveways, farm roads, trails or logging roads. The term “roads” includes synonymous words including, street, avenue, highway, lane, way, etc.

ROOF-MOUNTED SOLAR ENERGY SYSTEMS: A Solar Energy System that is mounted on the roof of a building or structure.

SETBACK: The minimum horizontal distance from a lot line, right of way or normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

SES: Solar Energy System (SES)

SIGNIFICANT WILDLIFE HABITAT: The following areas to the extent that they have been mapped by MDIFW; habitat for species appearing on the official State or Federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by MDIFW; high and moderate waterfowl and wading bird habitats, including nesting and feeding areas as defined by MDIFW; and as may be identified in the Stockton Springs Comprehensive Plan.

SOLAR ARRAY: Multiple solar panels combined together to create one Solar System.

SOLAR ARRAY DEVELOPMENT AREA: The aggregate area occupied by the complete assembly of a ground mounted Solar Energy System, including but not limited to:

1. The solar photovoltaic (PV) technology (included but not limited to, solar panels) and associated mounting hardware and equipment.

2. Battery Backup Systems and associated structures.

3. All inter-panel space.

4. All impervious surfaces. The Solar Array Development Area does not include areas adjacent to the ground mounted Solar Energy System that must, by virtue of an easement, lease condition, or other legal instrument be kept free of structures or vegetation (other than grass) in order to capture the unobstructed flow of solar insolation (sunlight) for the Solar Energy System, and does not include driveway(s) required to access the solar array development area.

SOLAR CORRIDOR: The practice of selective cutting / pruning trees to capture the unobstructed flow of solar insolation (sunlight) by the solar photovoltaic (PV) technology. Solar corridors may not encroach upon required buffering areas.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM (SES): A solar energy system 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. It may be roof-mounted or ground mounted, and may be any one of the following three types:

1. Residential SES: A system used for producing energy at the property where the applicant resides. Residential systems will be completely roof top mounted, or a maximum of one half (½) acre in ground surface.

2. Commercial SES: A system used for producing energy at a property where the applicant operates a business or where the applicant rents or leases space to another individual or entity.

3. Industrial SES: A system used primarily for the production of energy for the power grid.

SOLAR ENERGY SYSTEM, Ground Mounted: A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.

SOLAR ENERGY SYSTEM, Roof-Mounted: A Solar Energy System that is structurally mounted to the roof of a structure.

SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy into electricity.

START OF CONSTRUCTION: The time when all required approvals have been obtained; bonding and inspection fees have been established; applicable Conditions of Approval have been met; building and inspection fees paid and a building permit is granted to the owner by the Code Enforcement Officer to commence with construction on the site including land preparation, such as clearing, grading and filling or the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footing.

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalls, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

SURETY: Surety bond or guarantee; a pledge or formal promise made to secure against loss, damage, default or for the fulfillment of an obligation; a guarantee or security; the payment of a debt. The type of surety /guarantee shall be approved by the Select Board and may include any of the following: a certified check payable to the Town of Stockton Springs, a savings account passbook issued in the name of the Town or a faithful performance bond running to the Town of Stockton Springs; issued by a surety company authorized to do business in Maine.

UNDERSTORY VEGETATION: The vegetation layer of trees and shrubs between the forest canopy and the ground cover.

VEGETATION: All live trees, shrubs, ground cover, and other plants, including without limitations, trees, both over and under four (4) inches in diameter, measured four and one half (4.5) feet above the ground.

WILDLIFE CORRIDORS: A wildlife corridor allows small land species to retain traveling avenues between two similar yet fragmented habitat areas. As they relate to (SES), a six inch (6”) gap under all required security fencing shall be provided.

MAP 1: TOWN OF STOCKTON SPRINGS ZONING MAP

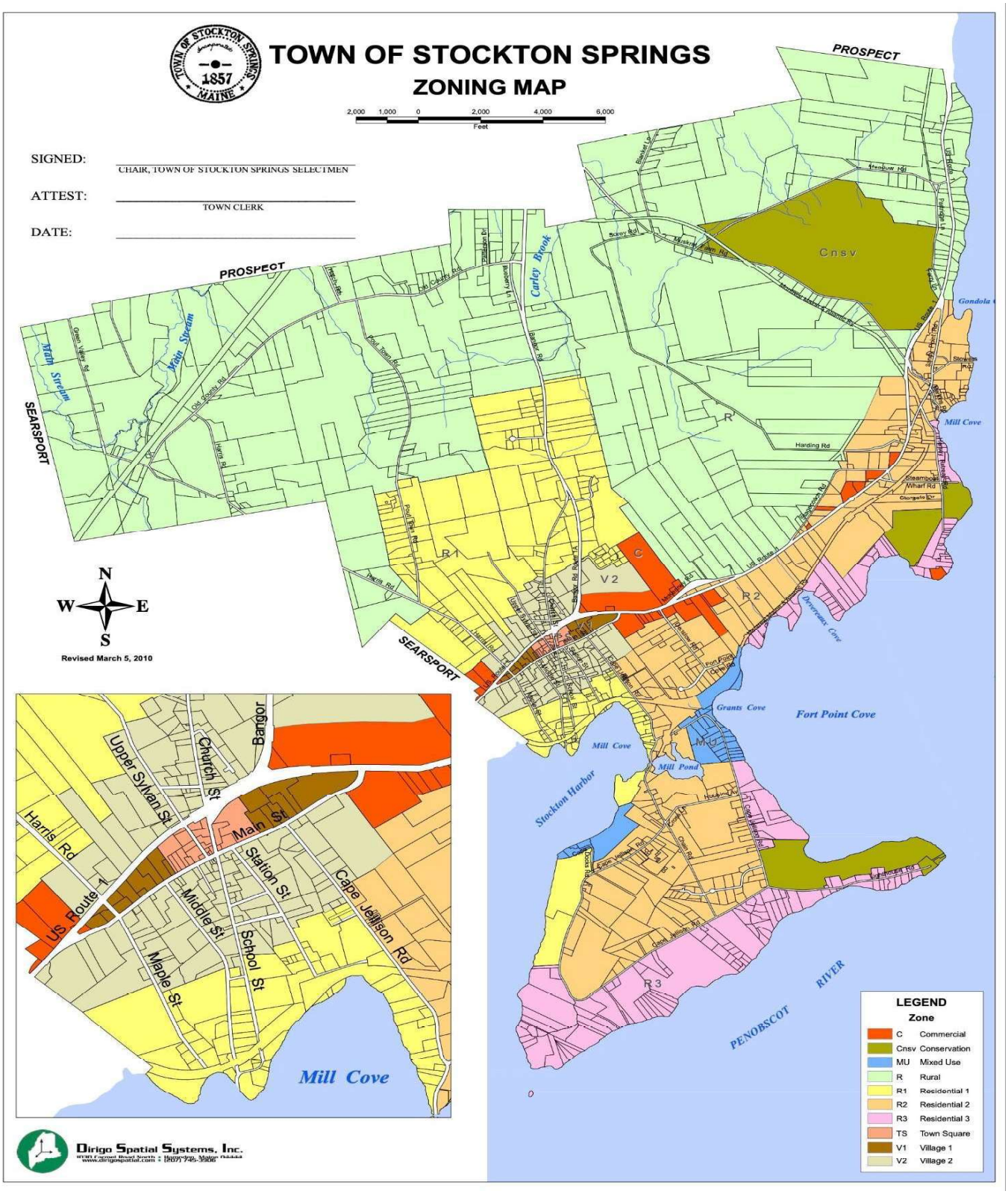


TABLE 1: SOLAR ORDINANCE REFERENCE CHART

Infrastructure	Commercial	Conservation	Mixed Use	Rural	Residential 1	Residential 2	Residential 3	Town Square	Village 1	Village 2
Residential up to 20kW	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Commercial Roof Mounted	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Commercial Ground Mounted	PB	NA	PB	PB	PB	PB	PB	NA	NA	NA
Industrial	NA	NA	NA	PB	NA	NA	NA	NA	NA	NA

Infrastructure Definitions	
Residential	Privately owned for personal use
	Array(s) located on house(s), outbuilding(s) and ground mounted
	20kW or less
Commercial	Private / Business owned for income generation
	Array(s) located on roof(s) and ground mounted
	10,000 square feet and < 1 acre total affected land use
Industrial	Private / Business owned for income generation > 1 acre in size

Legend	
CEO	Code Enforcement Officer
PB	Planning Board
NA	Not Allowed

Amendment to:

"APPLICATION, LICENSE, PERMIT, AND OTHER FEES ORDINANCE"

To be added to "Schedule of Fees"

SOLAR ENERGY SYSTEMS (SES)

	Application Fee	Additional Costs
Residential	$30.00	none
Commercial	$100.00	none
Industrial	$2500.00	*$1000.00 annual fee per SES location

*Needs review and guidance