

**COMMERCIAL SOLAR FACILITIES
(SOLAR ENERGY SYSTEMS)
ORDINANCE**

FOR THE

TOWN OF CORINTH, MAINE

ENACTED: 03/19/2024
Date

EFFECTIVE: 03/19/2024
Date

CERTIFIED BY: Carolyn D. Chambers
Signature

CERTIFIED BY: Carolyn D. Chambers
Print Name

Town Clerk
Title

Affix Seal

Town of Corinth (Maine)
Commercial Solar Farm (Solar Energy System) Ordinance
March 19, 2024

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1. Title

This Ordinance shall be known and may be cited as the “Town of Corinth Commercial Solar Farm Ordinance.”

2. Synopsis

This ordinance permits construction of Commercial Solar Farms in Corinth subject to setback, height, screening, maintenance, safety, and decommissioning requirements, and subject to Planning Board approval. This Ordinance does not apply to private solar systems on residential houses or roof-mounted systems. All solar farms are subject to Maine state laws, including, but not limited to, Chapter 34-D of S.P. 113 – L.D. 802, titled, “Solar Energy Development Decommissioning.”

3. Purpose

The purpose of this Ordinance is to ensure that Commercial Solar Farms are installed, operated, and decommissioned in a manner that protects the public health, safety, and welfare while still allowing the quiet enjoyment of property and supporting community goals related to natural resources, historical and archaeological preservation.

4. Applicability

All Commercial Solar Farms shall be designed, erected, and installed in accordance with all applicable codes, regulations, and standards, and subject to Planning Board approval. Any upgrade, modification or structural change that alters the size, placement or output of an existing Commercial Solar Farm shall comply with the provisions of this ordinance. This ordinance provides standards for Commercial Solar Farms that are in addition to the applicable standards of the Site Plan Review Ordinance. In reviewing an application for a Commercial Solar Farm and applying the standards of this ordinance, the Planning Board shall follow the review procedures of the Site Plan Review Ordinance. To the extent there is a conflict between any section of this ordinance and the Site Plan Review Ordinance (or any other town ordinance), the more restrictive shall control.

5. Dimensional Requirements and Construction

Commercial Solar Farms must adhere to the following dimensional requirements:

- A. No structure of a Commercial Solar Farm shall exceed 25 feet in height.
- B. The minimum front setback shall be 100 feet, minimum side setback shall be 100 feet, and minimum back setback shall be 100 feet.
- C. The lot coverage for Commercial Solar Farms shall be calculated based on the area of the supporting structure that is in contact with the ground and not the area of the panels as long as the area under the panels remains vegetated.
- D. The construction must substantially commence within one hundred and eighty (180) days of the permit being issued. If not, another permit will be required, including permit fees. Except, however, the requirement to substantially commence construction is tolled if the Planning Board's decision to issue a permit is appealed.

6. Screening, Security, Maintenance, and Regulatory Compliance

All Commercial Solar Farms must include the following screening, security, maintenance, and regulatory compliance requirements:

- A. Commercial Solar Farms shall be made to minimize undue visual impacts to roads and abutting residences by preserving native vegetation, buffering, or screening abutting properties, or other appropriate measures, including adherence to height standards and setback requirements.
- B. The lot(s) on which a Commercial Solar Farm is located 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 (the sign must include a 24-hour emergency contact individual for the facility). The fence shall be a minimum of 72 inches high, positioned 6 inches off the ground.
- C. For purposes of emergency services, the owner or operator of a Commercial Solar Farm shall provide a copy of the project summary, electrical schematic, and site plan to the Corinth Fire Chief (or approved representative). Upon request, the owner or operator shall cooperate with the Corinth Fire Chief 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 Corinth Code Enforcement Officer and the Corinth Fire Chief for public inquiries throughout the life of the installation and operation.
- D. The owner of a Commercial Solar Farm shall maintain the facility in good condition. Maintenance shall include, but not limited to, painting, structural repairs, vegetation control, and integrity of security measures. Site access shall be maintained to a level acceptable to the Corinth 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. Any chemicals used in cleaning or maintaining the panels must not be hazardous to the local environment.
- E. The owner or operator of a Commercial Solar Farm shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances (including the National Electric Code). It is the responsibility of the owner or operator of the Commercial Solar Farm to know and understand all these rules, regulations, and ordinances. The owner or operator must also provide a letter or documentation demonstrating that the power grid has the capacity to handle the new solar farm and that there is a written agreement (or contract) in place between the owner or operator and the power company. The Town of Corinth must be made aware of any on- or off-site components (including, but not limited to, storage batteries) related to the solar farm operation.

7. Performance Guarantee

After a plan is approved, but before the permit is issued, an applicant for a Commercial Solar Farm shall submit to the Town of Corinth a performance guarantee in the amount of 150% of the applicant's estimated demolition and decommissioning cost of the system, subject to a review of such cost by the Corinth Code Enforcement Officer. The applicant may petition 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

The Commercial Solar Farm owner or operator must conform to the following:

- A. Any Commercial Solar Farm that has reached the end of its useful life, ceases to generate power, or has been abandoned shall be removed pursuant to a plan of approval by the Corinth Planning Board during the application process. The owner or operator shall physically remove the solar installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Corinth 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 system components, 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) stabilize 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, any Commercial Solar Farm shall be considered abandoned when it fails to generate electricity for more than 180 days without having first obtained the written consent from the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.
- D. If the owner or operator of a Commercial Solar Farm fails to remove the installation in accordance with the requirements of this document within 180 days of abandonment or the proposed date of decommissioning, the Town of Corinth retains the right to use the performance guarantee and all legal or available means necessary to cause an abandoned, hazardous, or decommissioned solar energy system to be removed. The Town of Corinth is not financially responsible for any decommissioning costs.
- E. Solar panels, batteries, or other potentially hazardous related equipment are not to be disposed of at the landfill located in Corinth. The owner or operator is responsible for finding an appropriate landfill or recycling facility for the panels. All decommissioning must be in accordance with all Local, State, and Federal laws.
- F. Solar panels, batteries, or other potentially hazardous related equipment are not to be stored in Corinth.

The decommissioning portion of this Ordinance applies to all Commercial Solar Farms in Corinth including those already built, those already approved, and all future Commercial Solar Farms.

9. Application Procedure

Any person seeking approval to develop a Commercial Solar Farm must apply for permission pursuant to the requirements outlined in the Town of Corinth's Site Plan Review Ordinance. Any appeals of Planning Board decisions shall be made in accordance with the Town of Corinth's Site Plan Review Ordinance and this ordinance.

10. Fee Schedule

All applications for Commercial Solar Farms shall be accompanied by a non-refundable fee payable to the town of Corinth, including but not limited to, initial application fee, final application fee, and commercial building permit fees per the Town of Corinth fee schedule.

11. Effective Date, Duration, and Retroactivity

This Ordinance shall take effect upon enactment by the Town of Corinth and shall remain in effect until it is amended or repealed. Notwithstanding the provision of 1 M.R.S.A. Section 302 or any other law to the contrary, this ordinance shall be retroactive to Commercial Solar Farms that were not pending proceedings or approved as of March 21, 2023. Any modification, expansion, or alteration of any Commercial Solar Farm, including those Commercial Solar Farms established before March 21, 2023, shall be subject to this ordinance.

12. 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 of penalty provisions of Maine Legislature 30-A M.R.S. § 4452: *Enforcement of Land Use Laws and Ordinances*.

13. Definitions:

The following definitions apply to this ordinance:

- a. "Solar Installation": all solar related materials and equipment, including but not limited to, solar panels and batteries.
- b. "Commercial Solar Farm": A ground-mounted solar energy system in which the primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means and sell that energy back to the grid. Excluded from the definition are roof-mounted solar energy systems and solar energy systems, ground-mounted or roof-mounted, that have a primary use of power generation for a particular home or business.

14. Amendment

An amendment to this Ordinance may be initiated by a majority vote of the Planning Board, written request of a majority of members of the Selectboard or the Town Manager to the Planning Board, or written petition of registered voters in accordance with 30-A M.R.S. § 2522.

15. Severability

The invalidity of any provision of this ordinance shall not invalidate any other part.

