

Please post the following amendments and new ordinances as approved by the Town Council Meeting on August 17, 2021:

CHAPTER 70 ZONING, ARTICLE VIII PROPOSED GROUND MOUNTED
SOLAR ENERGY SYSTEMS ORDINANCE

Second Reading

VOTE (2021-179) Councilor Fellows, seconded by Councilor Lunt moved to adopt the proposed Ground Mounted Solar Energy Systems Ordinance as follows striking out under Section 4 Definitions, section (c) that is not directly connected to a Residential Structure, which was agreeable with the Planning Board:

New Ordinance (Code Company to reassign Section numbers)

Chapter 70 - Zoning Ordinance

Article VIII. Ground Mounted Solar Energy System Ordinance:

Section 1. Purpose - The purpose of this Ordinance is to allow ground mounted solar energy systems in certain districts subject to setback, height, screening, maintenance, safety, and decommissioning requirements and Planning Board review. Refer to Sec. 70-531 Table of Land Uses. The Zoning district designation for a particular site shall be determined from the Zoning Map of Lisbon, Maine.

Section 2. Applicability - This Ordinance shall apply to Ground Mounted Solar Energy Systems applications filed with the Planning Board for site plan review pursuant to Chapter 62. Site Plans.

Section 3. Authority and Validity –

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.

C. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

Section 4. Definitions –

Ground Mounted Solar Energy System: for purposes of this Ordinance: (a) a solar energy system that is structurally mounted to the ground; (b) has a physical size based on total airspace projected over the ground that is greater than 20,000 square feet; and (c) that is not directly connected to a Residential Structure.

Section 5. Dimensional Requirements –

A. Ground Mounted Solar Energy Systems in residential zoning districts shall not exceed twelve (12) feet in height when oriented at maximum tilt. Ground Mounted Solar Energy Systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt in Commercial, Industrial and Diversified Development zoning districts.

B. Minimum front setback shall be 50 feet, minimum side setback shall be 50 feet and minimum rear setback shall be 50 feet.

C. Lot coverage for Ground Mounted Solar Energy Systems 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 and there is sufficient space between the panels to allow sunlight necessary to sustain live growth.

Section 6. Screening, Security, Maintenance and Regulatory Compliance –

A. Subject to the approval of the Lisbon Planning Board, the lots on which Ground Mounted Solar Energy Systems are located shall be buffered from roads and residences by plantings, berms, and natural topographical features.

B. Subject to the approval of the Lisbon Planning Board, the lots on which Ground Mounted Solar Energy Systems are located shall be protected by a perimeter fence designed to allow for passage of wildlife. One or more signs shall be affixed to the fence identifying the owner of the facility and 24-hour emergency contact information. A KnoxBox, or other system agreed to by the Fire Chief, that provides emergency access inside the security gate shall be installed.

C. For purposes of emergency services, the owner or operator of a Ground Mounted Solar Energy Systems shall provide a copy of the project summary, electrical schematic, and site plan to the Lisbon Fire Chief. 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 Fire Chief for public inquiries throughout the life of the installation.

D. The owner or operator of a Ground Mounted 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 Lisbon Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s).

E. The owner or operator of a Ground Mounted Solar Energy System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.

Section 7. Performance Guarantee - After the plan is approved but before a permit is issued, the applicant for a Ground Mounted Solar Energy System shall submit to the Town of Lisbon a performance guarantee in the amount of 150% of the applicant's estimated decommissioning 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.

Section 8. Decommissioning and Removal –

A. Any Ground Mounted Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Lisbon Planning Board during the application process. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. 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, 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 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 Lisbon 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.

Section 9. Effective Date and Duration - This Ordinance shall take effect 21 days after enactment by the Town of Lisbon unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 10. 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.

Roll Call Vote: Yeas – Lunt, Ward, Kolbe, Ganong and Fellows. Nays – Albert, Larochelle. Order passed – Vote 4-2.