

SOLAR SYSTEMS

ORDINANCE

Hancock, Maine

Enacted

November 18, 2020

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ARTICLE 1 - TITLE AND PURPOSE

Section 1 – Title

A. This Ordinance shall be known and may be cited as the “Solar Energy Systems Ordinance of the Town of Hancock, Maine” and will be referred to herein as “this Ordinance.”

Section 2 – Purpose

A. The purpose of these performance standards is to enable the Town of Hancock to:

1. Regulate the permitting of residential, commercial, and industrial solar energy systems;
2. Be informed of the placement of residential and commercial solar energy systems;
3. Preserve and protect public health and safety;
4. Allow for the orderly development of land;
5. and protect property values in the Town of Hancock.

• ARTICLE 2 - GENERAL PROVISIONS

Section 1 - AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the 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. Sections 2102 et seq. (Municipal Home Rule), 3001 through 3006 et seq. (Ordinance power); Section 4312 et seq. (Growth management); and Section 4352 et seq. (Zoning Ordinances), and Title 38 Section 401 et seq., as amended.

Section 2 - ADMINISTRATION

The provisions of this Ordinance shall be administered by the Town of Hancock's Planning Board and enforced by the Town of Hancock's Code Enforcement Officer and Board of Selectmen. The Board of

Selectmen will establish or revise, after notice and hearing, a fee schedule for the various fees required by this Ordinance.

Section 3 - EFFECTIVE DATE

This Ordinance shall be effective upon its adoption by vote of the eligible voters of the Town of Hancock, Maine at town meeting.

Section 4 - CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, the more restrictive provision shall apply.

Section 5 – SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other Section, Sub-Section, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 6 - AVAILABILITY

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public.

• **ARTICLE 3 - APPLICABILITY and PERMITTED USE**

Section 1 - The provisions of this Ordinance shall apply to;

A. Private Residential Solar Energy Systems (PRSES):

An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. Solar arrays or modules that are flush-

mounted on the roofs or walls of private residences shall not be subject to PRSES performance standards or permit requirements for same. PRSES can be up to a total of two thousand (2,000) square feet in surface area, with a rated nameplate capacity of up to 20kW.

B. Commercial Solar Energy Systems (CSES): An area of land or other area used by a business for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for commercial use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. CSES can be up to a total of twenty thousand (20,000) square feet in surface area, with a rated nameplate capacity of up to 250 kW.

C. Industrial Solar Energy Systems (ISES): An area of land or other area used by a property owner and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce off-site consumption of utility power and/or fuels. ISES can be up to two hundred (200) acres in surface area, and there is no limit on the rated nameplate capacity of an ISES.

Section 2 - PERMITTED USE

Placement of solar energy systems will be in accordance with the schedule of uses as outlined in the Hancock Environmental Control Ordinance, Section 4. Zoning classifications are as defined in the Hancock Environmental Control Ordinance.

No person shall construct a free standing PRSES, CSES, or ISES without obtaining a permit from the Code Enforcement Officer (CEO) or Planning Board as follows:

- A. For PRSES, approval by the CEO is required for the construction and/or expansion of all free standing solar energy systems.
- B. For CSES and ISES, approval by the Planning Board is required for the construction and/or expansion of all such solar energy systems.

Section 3 - EXEMPTIONS

The provisions of this ordinance shall apply to all Solar Systems within the Town of Hancock, Maine, with the following exception:

- A. Any PRSES fully constructed and operating prior to the adoption of this ordinance.

- **ARTICLE - 4 APPLICATION**

Section 1 - -Solar Energy Systems shall be subject to the provisions set forth in this Ordinance and the Town of Hancock Environmental Control Ordinance (specifically Site Plan Review Section 7) and the following application submissions and review criteria.

Section 2 - Applications for Site Plan Review shall be submitted on application forms provided by the Town. Completed application form(s), required fees, and the required plans and related information shall be submitted to the Code Enforcement Officer who shall forward it to the Planning Board when applicable. All applications must include the following information.

- A. Name of land owner where solar energy system is to be placed.
- B. Name of operator of solar energy system.
- C. Location of solar energy system, including map/lot number, and street address.

D. Location of any public road or right-of-way that is contiguous with the property.

Section 3 - CSES and ISES permit applications will also require the following supplemental information:

A. CSES and ISES permit applications will also require the following supplemental information:

B. Array/module design and site plans.

C. Certification that layout, design, and installation conform to and comply with all applicable industry standards, such as the National Electrical Code (NEC) (NFPA-70), the American National Standards Institute (ANSI), the Underwriters Laboratories (UL), the American Society for Testing & Materials (ASTM), the Institute of Electric & Electronic Engineers (IEEE), the Solar Rating & Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organizations, the Federal Aviation Administration (FAA), the Maine Uniform Building & Energy Code (MUBEC), fire and life-safety codes (NFPA 1 & 101), and any other standards applicable to solar energy systems. The manufacturer specifications for the key components of the solar energy system shall be submitted the application.

D. Onsite Visit: All applicants shall facilitate onsite visits by the CEO and/or the Planning Board. Onsite visits shall be required.

• **ARTICLE 5 - STANDARDS**

Section 1 - Standards for PRSES Permits:

A. Permit(s) for a new PRSES, including all components that comprise the system, shall be granted only in a zone in which such a facility is allowed (*per ECO § 4. Schedule of uses*)

B. All PRSES shall be setback from abutting property lines, utility lines, and/or public roads or right-of-way by a distance no less than the standard structural setback distance applicable in the zone where the system is to be installed.

Best Engineering Practices shall be utilized in determining the optimal placement within the above requirements.

- C. All PRSES, whether ground or building mounted, shall comply with the structural height restrictions applicable in the zone where the system is to be installed. Best Engineering Practices shall be utilized in determining the optimal placement.
- D. All ground-mounted electrical and control equipment for PRSES shall be labeled and secured to prevent unauthorized access.
- E. All PRSES shall not exceed 50 dB(A), as measured at the closest property line.
- F. All PRSES shall be installed so as not to cause any wire or wireless communication signal disturbance.
- G. The owner of a roof-mounted PRSES shall provide evidence certified by a structural engineer that the roof structure is capable of supporting the additional load of the PRSES.
- H. All PRSES shall be situated to eliminate concentrated glare onto abutting structures and roadways.

Section 2 - Standards for CSES and ISES Permits:

- A. Permits(s) for CSES and ISES Shall be granted only upon proof of right, title, or interest, such as ownership, easement, lease, or purchase option for the location being considered (*per Hancock ECO §7: F. 5. h.*)
- B. A site location map shall be provided which shows the boundaries of the proposed facility, property Boundary lines, contiguous properties under the total or partial control of the applicant, scenic resources or historic sites within one mile of the proposed development, and any significant wildlife habitat (per MeDEP under the Site Location of Development Act and/or the Natural Resource Protection Act) which may be impacted.

- C. There shall be written evidence in the form of letter copies that all applicable State regulatory agencies with jurisdiction over the project have been notified of the pending application and the location of all system components covered by the application.
- D. All CSES and ISES panel arrays and/or modules shall be setback from abutting property boundaries By a distance of seventy-five (75) feet. In no case may the setback be less than the required setback distance in the zone, shore land area, or floodplain where the system is to be installed. Best Engineering Practices shall be utilized in determining the optimal placement within the above requirements.
- i. Roof mounted CSES are only subject to building setback requirements.
- E. All CSES and ISES, whether ground or building mounted, shall comply with the structural height restrictions in the applicable zone.
- F. The application shall include a description of the proposed CSES or ISES facility to all non-proprietary manufacturer's specifications for the solar panels, components, controls, and other equipment, sound emission levels, normal and emergency shutdown procedures, the number and individual ratings of panels in the array and/or modules and the aggregate generating capacity of total system A description of all associated facilities shall also be included.
- G. To the greatest practical extent, CSES and ISES shall possess a manufactured finish appropriate to and with the surroundings, with reflective characteristics that minimize negative visual impacts. The Planning Board shall require photos of the existing proposed site from various locations.
- H. All ground-mounted electrical and control equipment for CSES and ISES shall be fenced and labeled or secured to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public, and

fencing around CSES and ISES shall be required at the Planning Board's discretion.

- I. To the greatest practical extent, all electrical wires and utility connections for CSES and ISES shall be installed underground, except for transformers and controls. The Planning Board will take into consideration prohibitive costs and site limitations in making their determination.

- J. Exterior lighting for CSES and ISES shall be limited to that required for safety and operational purposes, and shall meet the performance standards for same. (per *ECO § 5: B. 14*).

- K. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a solar panel array and/or modules, building, or other structure associated with a CSES and ISES shall be prohibited. No CSES or ISES shall have any signage, or writing or pictures that may be construed as advertising placed on it at any time. *ECO See §5: B. 28*.

- L. The CSES or ISES applicant shall certify that they will comply with the utility notification requirements contained in Maine law and accompanying regulations through the Maine Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.

- M. All CSES and ISES shall not exceed ~~50~~ 55 dB(A), as measured at the property line.

- N. The installation of a CSES or ISES shall be appropriate to the surroundings. The application shall include erosion control plan, site line, photographic and, if applicable, screening information to aid the Board in evaluation of the environmental and visual impact of the construction and operation of the system.

O. All CSES and ISES shall be operated and located so that no disruptive electromagnetic interference with signal transmission is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the operator shall promptly eliminate the disruptive interference .

P. Ground-mounted CSES and ISES shall be screened from view by any abutting residential property, using vegetation, topography, or fencing.

Q. The owner of a roof-mounted CSES or ISES shall provide evidence certified by a structural engineer that the roof structure is capable of supporting the additional load of system.

R. All CSES and ISES shall be situated to eliminate excessive glare onto abutting properties, structures and roadways.

- **ARTICLE 6 - DECOMMISSIONING/DISCONTINUANCE**

Section 1 - Decommissioning of the entire facility will begin if twelve (12) consecutive months of no generation occurs at the facility.

A. In order to facilitate and ensure appropriate removal of the energy generation equipment of a CSES or ISES when it reaches the end of its useful life, or if the applicant ceases operation of the facility, applicants are required to file a decommissioning plan which details the means by which decommissioning will be accomplished. This plan must include a description of implementing the decommissioning, a description of the work required, a cost estimate for decommissioning, a schedule for contributions to its decommissioning fund, and a demonstration of financial assurance.

B. In the event of a force majeure or other event which results in the absence of electrical generation for twelve months, by the end of the twelfth (12) month of non-operation the applicant must demonstrate to the Town that the project will be substantially operational and producing electricity within twenty-four (24) months of the force majeure or other event. If such a demonstration is not made to the Town's satisfaction, the decommissioning must be completed in full twenty-four (24) months after the force majeure or other event. The Town considers a force majeure to mean fire, earthquake, flood, tornado, or other acts of God and natural disasters, and war, civil strife or other similar violence.

Section 2 - The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond or a surety bond acceptable to the Board of Selectmen, for the total cost of decommissioning. The applicant will have the financial assurance mechanism in place prior to construction and will re-evaluate the decommissioning cost and financial assurance at the end of years five, ten and fifteen. Every five (5) years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review. Proof of acceptable financial assurance will be required prior to the start of commercial/industrial operation.

A. The site of a CSES or ISES is subject to CEO inspection at any given time.

- **ARTICLE 7 - FEES**

Section 1 - Permit Fees: Application for a PRSES shall be accompanied by a fee outlined in the ECO Section 9 C.

Section 2 - An application for a CSES or ISES permit shall be accompanied by a fee outlined in the ECO Section 9 C.

ECO § 9: C. and Fee Schedule.

- **ARTICLE 8 - EXPIRATION OF APPROVAL**

Section 1 - See *ECO § 7: M. Expiration of Approvals*

- **ARTICLE 9 - ENFORCEMENT**

Section 1 - Enforcement procedures and legal action will be in conformity with those of the Hancock Environmental Control Ordinance, Section 10.

- A. As an additional means of enforcement, the Board of Selectmen may suspend or revoke any permit issued hereunder if it determines after notice and hearing that it was issued in error or upon incomplete or false information, or that applicant has failed to comply with any conditions of approval. Upon such suspension or revocation all operations addressed by said permit shall cease until a new approval or permit is obtained under this ordinance by the applicant within ninety (90) days of suspension or revocation. If no approval or permit is issued within ninety (90) days of suspension or revocation then decommissioning must be completed within twelve (12) months of the suspension or revocation of the approval or permit per Section 6 of this ordinance.

- **ARTICLE 10 - MISCELLANEOUS**

Section 1 - AMENDMENT AFTER APPROVAL.

- A. No modifications shall be made in an approved CSES or ISES application unless they have been resubmitted to and approved by the Planning Board. The intensity of the review will be determined by the Planning Board, and depends upon the complexity of the proposed alteration.

Section 2 - ADMINISTRATIVE APPEALS.

- A. All administrative appeals shall follow the procedure outlined in Section 11 of the Environmental Control Ordinance.

- **ARTICLE 11 - AMENDMENT OF THIS ORDINANCE**

The process for amending this Ordinance is as follows:

Section 1 - INITIATION

A proposal to amend this Ordinance may be initiated by:

- A. The Planning Board, by majority vote;
- B. The Board of Selectmen, through a request to the Planning Board; or

- C. The Public, through a written petition signed by at least fifty (50) residents registered to vote in the Town of Hancock. When an amendment to this Ordinance is proposed by other than the municipal officers or Planning Board, a fee of one hundred dollars (\$100) shall accompany the proposal to cover the cost of review, hearings, and advertisements. This fee is non-refundable.

Section 2 - PROCESS OF ADOPTION.

See ECO § 1.G.2: PROCESS OF ADOPTION

- **ARTICLE 12 - DEFINITIONS**

Private Residential Solar Energy Systems (PRSES): An area of land or other area for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. PRSES can be up to a total of two thousand (2,000) square feet in surface area, with a rated nameplate capacity of up to 20kW.

Commercial Solar Energy Systems (CSES): An area of land or other area used by a business for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site commercial use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. CSES can be up to a total of 20,000 (20,000) square feet in surface area, with a rated nameplate capacity of up to 250 kW.

Industrial Solar Energy Systems (ISES): An area of land or other area used by a property owner and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and

supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce off-site consumption of utility power and/or fuels. ISES can be up to two hundred (200) acres in surface area, with no limit on the rated nameplate capacity of an ISES.

FEE SCHEDULE (ADDENDUM)

	MINIMUM	FEE
PRSES Requires CEO approval	\$25.00	<u>\$0.50/panel</u>
CSES Requires Planning Board Approval	\$50.00	<u>\$0.50/panel</u>
ISES	\$50.00	<u>\$0.50/panel</u> <u>capped at \$5,000</u>

A \$1,000 technical review fee may be required for ISES applications.
Requires Planning Board Approval.

ACTIVITIES/ZONES	RP	SP	SR	SD	RU	RR	C	MH	I
7. INDUSTRIAL ACTIVITIES									
a) Lumber Yard and Building Materials	N	N	N	N	N	N	P	N	P
b) Transportation Facility and Terminal Yard	N	N	N	N	N	N	N	N	P
c) Bulk Oil and Fuel Tank Storage, except for on-site heating purpose	N	N	N	N	N	N	N	N	P
d) Food Processing and Freezing	N	N	N	P ₁₁	N	N	P	N	P
e) Junk Yards and automobile graveyards	N	N	N	N	N	N	N	N	P
f) Light Manufacturing Assembly Plant	N	N	N	N	N	N	P	N	P
g) Newspaper and Printing Facility	N	N	N	N	N	N	P	N	P
h) Other Processing and Manufacturing Facilities	N	N	N	N	N	N	N	N	P
i) Warehousing and Storage Facility	N	N	N	N	N	N	P ₁₇	N	P
j) Wholesale Business Facility	N	N	N	N	N	N	P	N	P
k) Sewage Collection and Treatment Facilities	N	N	N	P	N	N	N	N	P
l) Accessory Structures and Uses subordinate to the principal use listed above	N	N	N	C	N	N	C	N	C
8. TRANSPORTATION AND UTILITIES									
a) Public and private road construction ¹⁸	N ₁₉	P	P	P	Y	Y	Y	Y	Y
1. Driveways ¹⁸	N ₁₉	N	C	C	Y	Y	Y	Y	Y
b) Service drops	Y	Y	Y	Y	Y	Y	Y	Y	Y
c) Essential Services	P ₂₀	P ₂₀	P	P	P	P	P	P	P
1. Roadside distribution lines (34.5kV and lower)	C ₂₀	C ₂₀	Y	Y	Y	Y	Y	Y	Y
2. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	P ₂₀	P ₂₀	C	C	N/A	N/A	N/A	N/A	NA
3. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	P ₂₀	P ₂₀	P	P	N/A	N/A	N/A	N/A	N/A
4. Other essential services	P ₂₀	P ₂₀	P	P	P	P	P	P	P
d) Small Wind Energy Systems maximum capacity 10kW	N	N	P	P	P	P	P	N	P
e) Wireless Telecommunication Facilities	N	N	N	N	N	N	P	N	P
e-1) Wireless Telecommunication Facility expansion or colocation that does not increase WTF tower height ₂₁	N	N	N	N	N	N	C	N	C
e-2) Amateur (ham) radio and private mobile radio service towers not to exceed 195 feet in height	N	N	Y	Y	Y	Y	Y	Y	Y
f) Radio and TV Studios, Offices and Towers	N	N	N	N	N	N	P	N	P
g) Private, Public and Commercial Parking Garages/Structures	N	N	N	N	N	N	P	C	P
h) Land management roads	P	Y	Y	Y	Y	Y	Y	Y	Y
i) Airports, provided such are not closer than 500 feet to any dwelling and will not create a nuisance in the immediate neighborhood	N	N	N	N	N	N	N	N	P
j) Accessory Structures and Uses that are subordinate to the principal use listed above	C	C	C	C	C	C	C	C	C
k) Solar Energy Systems (PRSES)	C	C	C	C	C	C	C	N	C
l) Solar Energy Systems (CSES and ISES)	P ₂₀	P ₂₀	N	N	P	P	P	N	P

**Certification of Proposed Ordinances by
the Municipal Officers**

This certifies to the municipal clerk of Hancock
that the within ordinance is a true copy of an ordinance entitled
Solar Systems Ordinance to be acted upon by the voters at a town
meeting to be held on November 18, 2020.

Dated: November 4, 2020 Municipal Officers of Hancock
[Signature]
Jan A. Breyer

