

Warrant Article:

Shall an Ordinance entitled “Amendment to the Town of New Portland Subdivision and Commercial Development Ordinance” be enacted?

Amendment to Town of New Portland Subdivision and Commercial Development Review Ordinance

Part A. The “Town of New Portland Subdivision and Commercial Development Review Ordinance” is amended to read as follows:

Section 1. Article 3: Definitions is amended to include the following new definition:

Solar Energy System: A commercial energy farm or development with a complete design or assembly for commercial purposes consisting of energy collection, an energy storage facility, where used, and components for distribution of transformed energy. A Solar Energy System consists of one or more free-standing ground mounted, or building mounted, solar array or modules, or solar related equipment.

Section 2. Article 18: Development Standards for Specific Activities, is amended to include the following new subsection:

18.11. Solar Energy Systems

A. Permit Required. A Solar Energy System requires approval by the Planning Board as a major commercial development under the terms of this Ordinance and the performance standards of this section.

B. Performance Standards.

1. Maximum size. A Solar Energy System cannot exceed 21,780 square feet (1/2 acre) in projected total airspace over the ground.
2. Decommissioning and Removal.
 - a. A 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 New Portland Planning Board during the application process. The owner or operator shall remove physically the installation no more than 180 days after the date of discontinued operations. 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, a Solar Energy System 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.

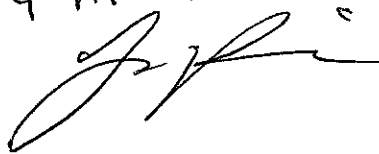
- d. An applicant for approval for a Solar Energy System shall submit to the Town of New Portland a performance guarantee in the amount of 125% of the applicant's estimated demolition cost of the system, subject to a review of such cost by the Code Enforcement Officer. The applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Code Enforcement Officer.

- e. If the owner or operator of a 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 New Portland 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.

(New language is underlined.)

6/5/23

A true copy Attest

, Town Clerk