

Town of Phillips

COMMERCIAL
SOLAR ENERGY SYSTEMS
ORDINANCE

Definitions

Applicant - The person or entity submitting an application and seeking approval under this ordinance, the owner of a Solar Energy System or a proposed Solar Energy System project; the operator of a Solar Energy System or a proposed Solar Energy System project; any person acting on behalf of an applicant, Solar Energy System or proposed Solar Energy System. Whenever the term "applicant" or "owner" or "operator" is used in this ordinance, said term shall include any person acting as an applicant, owner or operator or successor operator of such Solar Energy System.

CEO - Code Enforcement Officer

CSES - Commercial Solar Energy Systems

Permit - Written permission issued by the Town of Phillips, empowering the holder thereof to construct a facility in accordance with this Ordinance

Permittee - Any person or organization to whom a permit, as it pertains to this Ordinance, is issued.

Project Boundary - The boundaries of the Solar Energy System which the Owner/Operator has legal right or interest or the option to acquire the same as shown on the site plan submitted to and approved by the Planning Board in accordance with this Ordinance.

Project Parcel - Any parcel(s) of real estate on which all or any part of a SES (Solar Energy System) will be constructed.

Property Line - The imaginary line along the ground surface and the vertical extension of that line constitutes a legally enforceable boundary which separates real property owned or controlled by owner(s) from contiguous real property owned or controlled by another person.

RSES - Residential Solar Energy Systems for personal use. These systems are exempt from requiring a permit.

SES - Solar Energy System

Setback Area - The entire land base that falls within the Setback for a SES.

Shade Management / Solar Corridors - The selective cutting/trimming of vegetation to allow sunlight corridors into actual solar panel areas.

Solar Collector - A solar PV cell, panel, array or solar thermal collector device that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Energy System, Active - 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

A. TITLE

This Ordinance shall be known and may be cited as the "Phillips Commercial Solar Energy Systems Ordinance" and will be referred to herein as the "Ordinance".

B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution.

C. PURPOSES

1. The Town of Phillips finds that it is in the public interest to encourage the development and use of Solar Energy Systems as a clean, renewable energy source and to help promote sustainable initiatives in town.
2. The purpose of the Ordinance is to facilitate the effective and efficient use of Solar Energy Systems while protecting the public health, safety and welfare of Phillips citizens.

D. APPLICABILITY

1. The provisions of this Ordinance shall apply to Solar Energy Systems as defined by this Ordinance and by Title 33, Chapter 28-A, MRSA, Section 1421, 1423, within the boundaries of the Town of Phillips.
2. The requirements of this Ordinance shall apply to all medium, and large-scale Solar Energy Systems modified or installed, upon adoption by the Town. Residential Solar Energy Systems are exempt.
3. All Solar Energy systems shall be designed, erected and installed in accordance with all applicable local, state and federal codes, regulations and standards.
4. Any modification, upgrade or structural change that materially alters the size, placement or output of an existing Solar Energy System shall comply with this ordinance.

E. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, Ordinance, deed restriction or covenant, the more restrictive or higher standard covenant shall govern, unless otherwise prohibited by State Law.

F. SEVERABILITY

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

submission of a sketch plan to cover planning review costs performed by the contract planner and Town staff, in accordance with the fee schedule established by the Town Select Board. If the balance in this account is drawn down by 75%, the Board shall notify the applicant and require that an additional amount equal to the original fee be deposited by the applicant. The Board shall continue to notify the applicant for additional amounts as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any unused funds will be returned to the Applicant following Planning Board determination.

5. Any permit issued pursuant to this ordinance is personal to the permittee and shall not be transferred, assigned, or conveyed to any other person or entity. Any subsequent owner or operator shall be required to submit a new application pursuant to this ordinance.

J. SUBMITTAL REQUIREMENTS FOR SITE PLAN REVIEW OF SOLAR ENERGY SYSTEMS

The following information shall be submitted with a Site Plan Application for a review of a solar energy system and associated facilities under this ordinance.

1. A narrative describing the proposed solar energy system, including an overview of the project; the project location; the generating capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance (including a plan or other graphics that demonstrate compliance). Where systems are proposed in the front part of the site, the application shall include technical documentation as to why it is not possible to locate the system to the side or rear of the site.
2. An accurate scaled site plan of the subject property showing the planned location of the proposed energy 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; and specification for all proposed electrical cabling/ transmission lines, accessory equipment and landscaping.
3. A scaled elevation drawing showing the proposed solar energy system and all proposed structures, foundations, supports, fencing, vegetation and landscaping, indicating the size, color and materials of the system. Drawings of structures and foundations shall be stamped by a licensed Professional Engineer.
4. Information on any proposed connections to the grid including any proposed off-site modifications to provide grid connections, access the installation or to maintain proposed solar energy system and grid connections.
5. In the case of medium and large ground mounted solar energy systems, the applicant shall provide Operations and Maintenance Plan, including site control and the projected operating life of the system, prepared and stamped by a licensed

of the SES shall be 100 Ft. Setback from any dwelling or accessory building located on another parcel shall be 400 Ft.

- d) Lot coverage/calculating medium or large solar energy systems shall not be more than 25% of all acreage on that site and the remaining land cannot be used for any other tax reducing, i.e. tree growth, homesteading projects.
- e) In order to prevent circumvention of the size and coverage restrictions, the lot or parcel will be considered to be the largest configuration of physical area that existed as a lot or parcel within the 5 years immediately preceding the application.
- f) Lease arrangements may not be used to circumvent size and coverage restrictions such that the parcel exceeds 25% of the original parcel.

L. STANDARDS FOR APPROVAL OF BUILDING INTEGRATED, BUILDING MOUNTED PHOTOVOLTAIC, ROOF MOUNTED AND GROUND MOUNTED SOLAR ENERGY SYSTEMS.

- 1. All wiring must comply with the National Electrical Code, most recent edition, prior to operation, electrical connections must be inspected by a licensed electrician, hired by the applicant and reviewed by the Code Enforcement Officer or their designee.
- 2. Any connection to the public utility grid must be inspected by the appropriate public utility unless waived by the public utility.
- 3. Roof mounted and building mounted solar collectors shall meet all applicable fire safety and building code standards.
- 4. No solar panels or other solar energy equipment used in any solar energy system shall utilize or contain any amount of GenX chemicals or polyfluoroalkyl substances (PFAS).

M. STANDARDS FOR APPROVAL OF MEDIUM AND LARGE SCALE GROUND MOUNTED SOLAR ENERGY SYSTEMS.

The Application meets the Review Standards contained within this Ordinance.

- 1. Site Access: Access to the site will not cause highway or public road congestion or unsafe conditions. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development.
- 2. Preservation of Landscape: The landscape has been preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where possible and keeping any grade changes in character with the general appearance of neighboring areas.
- 3. Preservation of Natural Features: Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or

10. Utilities: All utility installations will 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.
11. Site Lighting: Lighting, if applicable, will be controlled in both height and intensity to maintain rural character of the Town. The light source proposed is "dark skies compliant" and down mounted / shielded to prevent it from shining directly onto neighboring properties
12. Air Glare Protection: Solar Panels are anti-reflective materials (abbreviated by the Federal Aviation Administration (FAA) as "AR"). The Applicant has notified area airports and the FAA for their review and two (2) week comment period. Copies of all correspondence have been provided to the Town.
13. Air Pollution: The Application will not result in undue air pollution. The air pollution regulations of the Maine Department of Environmental Protection will remain in effect. The Application includes a statement of compliance with MDEP regulations.
14. Dust, Fumes, Vapors, Gases and Odors: The development will not produce harmful, offensive or bothersome odors, scents, or aromas that will be perceptible beyond their lot lines, either at ground or habitable elevation. Will not cause noise, odor, glare or vibration to disturb the peaceful enjoyment of adjacent property.
15. Water Supply: Has sufficient water available for the reasonably foreseeable needs of the proposed use including fire protection.
16. Water Quality: The development will not lower the existing water quality of on-site or adjacent rivers, streams, brooks, wetlands, ponds, lakes, or groundwater. Adequate provision have been made for the storage and disposal of any hazardous or potentially harmful materials which may impact water quality. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
17. Sewage Disposal: Sewage will be disposed in conformity with laws and rules of the Maine Department of Environmental Protection, and/or the State Plumbing Code and other applicable regulations.
18. Waste Disposal: Adequate provisions have been made for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner.
19. End of Life - Site Restoration Plan: The proposal includes an acceptable "End of Life - Site Restoration Plan and Narrative" which complies with the regulations and intent of the Ordinance. See Decommissioning and Removal.

1. The amount of the guarantee shall be equal to 125% of the estimated removal cost, provided by the applicant and certified by a Professional Civil Engineer licensed in Maine every five (5) years from the date of the Planning Board's approval of the Solar Energy System.
2. If the cost has increased more than fifteen (15) percent, then the owner of the facility shall provide additional security such that the guarantee shall remain equal to 125% of the estimated removal cost. The applicant may also request adjustments in the guarantee.
3. In case of a leasing arrangement the operator shall be responsible for the guarantee.

P. TYPES AND CONTENTS OF GUARANTEE

One of the following performance guarantees chosen by the applicant shall be provided on approval of application.

1. Interest-bearing Escrow Account – A cash contribution equal to 125% of the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the Town of Phillips, direct deposit into a savings account or purchase of a certificate of deposit.
2. For any account opened by the applicant, the Town shall be named as owner or co-owner and consent of the Town shall be required for withdrawal.
3. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required work.

Q. DECOMMISSIONING AND REMOVAL

1. 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 Phillips Planning Board during the application process. The applicant/owner of the facility shall physically remove the installation no more than 180 days after the date of discontinued operations. The applicant/owner of the facility shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.
2. 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 Phillips 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.

S. EFFECTIVE DATE AND DURATION

This Ordinance shall take effect upon enactment by the Town of Phillips unless otherwise provided and shall remain in effect until it is amended or repealed.

T. 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. 4453, Enforcement of Land Use Laws and Ordinances.

U. INTERPRETATION AND PERFORMANCE

The interpretation and performance of this ordinance shall be governed by the laws of the State of Maine and the Town of Phillips. Any general rule of construction to the contrary notwithstanding, this ordinance shall be liberally construed to effectuate its intent, policies, and purposes of cooperation, not competition. If any provision of this ordinance is found to be ambiguous, such ambiguity or loophole shall be resolved in a manner consistent with the intent and purposes of this ordinance.

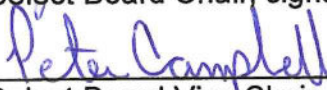
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Janet White

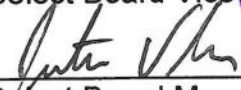
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Peter Campbell

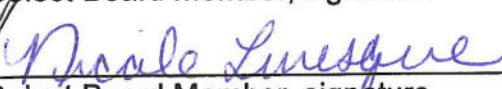
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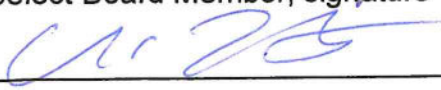
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Nicole Levesque

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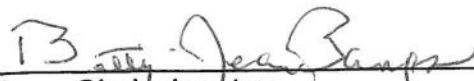


Select Board Member, signature

Chris Norton

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Attest:



Town Clerk signature

Date: June 23, 2026

Betty Jean Bangs

Printed name