from Clint Brooks / Craig Boone

TOWN OF JAY, MAINE

COMMERCIAL GROUND-MOUNTED SOLAR ENERGY FACILITIES ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to establish standards for the siting, design, construction, operation, maintenance, modification, decommissioning and removal of Commercial Ground-Mounted Solar Energy Facilities within the Town of Jay. This Ordinance is intended to protect public health, safety and welfare; protect neighboring properties and public infrastructure; minimize unreasonable visual, environmental, noise, glare, stormwater and other impacts; protect forests, wildlife habitat, wetlands and water resources; preserve the rural character of the Town; encourage appropriate reuse of previously developed industrial and brownfield land; provide adequate emergency access; and ensure that costs associated with municipal review, monitoring, enforcement, decommissioning and site restoration are not improperly shifted to Town taxpayers. This Ordinance also protects prime farmland soils and farmland soils of statewide importance, supports the continued usability of agricultural land, and encourages development layouts compatible with Jay's 2025 Comprehensive Plan. Standards shall balance protection of natural resources and residential neighborhoods with reasonable landowner flexibility and opportunities for appropriate development and industrial-site reuse.

Section 2. Definitions

Applicant. The person or entity applying for approval of a Commercial Ground-Mounted Solar Energy Facility, including an authorized agent.

Brownfield Redevelopment Area. The verified, previously developed industrial or brownfield portions of the former Verso Androscoggin Mill property within the parcels identified as Town of Jay Tax Map Lots 20, 20A, 22, 22A and 22-1 and specifically depicted on an official Brownfield Redevelopment Area exhibit adopted as part of this Ordinance. Before enactment, the Town shall verify the complete tax-map and parcel identifiers and boundaries against current assessing records and other reliable boundary information. Parcel designations alone do not establish eligibility. The adopted exhibit shall distinguish eligible previously developed industrial or brownfield land from adjoining undeveloped land and identify known landfill areas, environmental caps and land-use restrictions. Absent an adopted, verified exhibit, no Brownfield Redevelopment Exception under

Section 4(G) or modification under Section 5(E) shall be granted. The exception does not extend to other land merely because of common ownership, lease, option, control, interconnection or coordinated development.

Commercial Ground-Mounted Solar Energy Facility. A ground-mounted solar energy system principally intended to generate electricity for sale, transmission, distribution or consumption off the property upon which the system is located.

Contiguous Property. Parcels sharing a common property boundary. Parcels separated only by a public or private road, railroad right-of-way, utility corridor, stream, or similar intervening feature may also be treated as contiguous when they are part of the same Related Solar Development.

Decommissioning. Removal of a Commercial Ground-Mounted Solar Energy Facility and restoration of the Development Site as required by this Ordinance.

Development Site. All parcels or portions of parcels included within or used in connection with a proposed Commercial Ground-Mounted Solar Energy Facility.

Facility Area. The total land area occupied or physically developed for a Commercial Ground-Mounted Solar Energy Facility, including land within security fencing and associated solar arrays, equipment, buildings, substations, battery-storage equipment, access roads, internal roads and other improvements constructed primarily to serve the facility. Facility Area also includes land cleared or maintained in a cleared condition primarily to prevent shading of the facility, associated drainage improvements and project-specific utility corridors. Overlapping areas shall be counted once. Existing shared roads or utility corridors shall be counted only to the extent newly constructed, widened or otherwise physically developed primarily for the facility; an existing undisturbed shared route is not counted solely because the facility uses it. New project-specific off-site roads, drainage works and utility corridors shall be included, subject to applicable jurisdictional limits. Required buffers preserved without project improvements are not counted solely because they lie within the Development Site. A professionally verified acreage exhibit shall separately

identify each category and explain every exclusion.

Facility Component. Any solar panel, mounting structure, inverter, transformer, battery-storage equipment, substation, building or other equipment or structure principally associated with the facility.

Owner/Operator. The person or entity having ownership or operational responsibility for a Commercial Ground-Mounted Solar Energy Facility.

Public Road. A public way or road maintained or accepted for public use by the Town, State or other governmental entity.

Related Solar Development. Two or more facilities, facility areas, project phases, parcels or proposed developments that, based upon the totality of circumstances, constitute a single coordinated solar development. Relevant factors include, without limitation, common or affiliated ownership or control; a common developer, operator or financing arrangement; common or coordinated leases, options or development agreements; shared or coordinated electrical interconnection, substations, access roads, utility corridors or other infrastructure; coordinated construction or permitting; common engineering or environmental studies; or development undertaken pursuant to a common plan. No single factor is necessarily controlling. The Planning Board shall make written findings when determining that separate proposals constitute a Related Solar Development.

Residential Dwelling. A building or portion of a building lawfully used or intended for residential occupancy.

Agricultural Soils. Prime farmland soils and farmland soils of statewide importance as classified by the U.S. Department of Agriculture Natural Resources Conservation Service, including qualifying soils not currently in agricultural use.

Practicable. Technically feasible in light of documented site conditions, applicable safety requirements and available engineering methods, and reasonably capable of implementation considering the relative environmental benefits and costs of the alternatives. An Applicant's preferred layout or desired generating capacity, standing alone, does not establish that an alternative is impracticable. The Planning Board shall explain its determination in written findings.

Battery Energy Storage System. Equipment that stores electrical energy in rechargeable batteries for later use, together with associated controls, cooling, electrical equipment and enclosures. Section 34 applies to battery storage associated with a facility governed by this Ordinance; it does not independently authorize a stand-alone storage development.

Material Modification. A change that increases Facility Area, clearing, generating capacity beyond the approved design envelope, noise, glare, traffic, drainage impacts or other material effects; relocates components toward a protected receptor; reduces approved screening; changes access or emergency-response requirements; or adds or materially changes battery storage. Like-for-like maintenance within approved locations and operating limits is not a Material Modification.

Substantial Authorized Construction. Installation of a meaningful portion of permanent foundations, pilings or Facility Components in accordance with approved plans and all required permits, supported by documented progress toward completion. Clearing, grading, road work, surveys, equipment deliveries or token installation alone do not satisfy this definition.

Section 3. Municipal Approval Required

No person shall commence construction of a Commercial Ground-Mounted Solar Energy Facility without first obtaining approval from the Jay Planning Board under this Ordinance. For purposes of this Section, construction includes facility-related clearing, grading, excavation, construction of access roads, installation of foundations or pilings, and installation or erection of Facility Components.

Relationship to State and Federal Requirements. Approval of a Commercial Ground-Mounted Solar Energy Facility under this Ordinance shall not relieve the Applicant, Owner/Operator, landowner, or developer from the obligation to obtain all permits, licenses, approvals, and authorizations required by applicable federal or State of Maine law. Municipal approval under this Ordinance is separate from, and in addition to, any approval or permit required by the Maine Department of Environmental Protection, Maine Department of Transportation, Maine Department of Inland Fisheries and Wildlife, U.S. Army Corps of Engineers, or any other state or federal agency

having jurisdiction over the proposed development. The issuance of any state or federal permit, license, approval, or authorization shall not constitute municipal approval and shall not exempt the project from compliance with any applicable setback, buffering, screening, dimensional, environmental, performance, decommissioning, financial-assurance, or other requirement of this Ordinance. Where this Ordinance establishes a requirement that is more restrictive than an applicable state or federal requirement, the requirements of this Ordinance shall apply to the fullest extent permitted by law.

Preconstruction Conditions. Before facility-related land disturbance, the Applicant shall demonstrate satisfaction of preconstruction conditions, required state and federal authorizations, approved financial assurance and the baseline documentation and inspection requirements of this Ordinance. Municipal approval alone does not authorize work for which another required approval remains outstanding.

Section 4. Facility Size Classifications and Townwide Limit

A. Small-Scale Facility. A Commercial Ground-Mounted Solar Energy Facility having a Facility Area of less than one-half (0.5) acre shall be classified as Small-Scale.

B. Medium-Scale Facility. A Commercial Ground-Mounted Solar Energy Facility having a Facility Area of one-half (0.5) acre or greater but less than six (6) acres shall be classified as Medium-Scale.

C. Large-Scale Facility. A Commercial Ground-Mounted Solar Energy Facility having a Facility Area of six (6) acres or greater but not more than thirty (30) acres shall be classified as Large-Scale. Except as expressly provided in subsection G, no Large-Scale Commercial Ground-Mounted Solar Energy Facility shall exceed thirty (30) acres of Facility Area.

D. Townwide Limit on Large-Scale Facilities. Except as expressly provided in subsection G, no more than five (5) Large-Scale Commercial Ground-Mounted Solar Energy Facilities shall be permitted within the Town of Jay.

E. Related or Contiguous Development. All portions of a Related Solar Development, including portions located on the same or Contiguous Property or otherwise connected by common or affiliated ownership or control, lease, option, development agreement, operation, electrical interconnection, shared infrastructure, coordinated construction, permitting, engineering, financing or development, shall be considered together when determining the applicable size classification and compliance with the thirty-acre maximum and the townwide limit on Large-Scale facilities. The Facility Area of all portions of a Related Solar Development shall be cumulative.

F. Anti-Circumvention. No Commercial Ground-Mounted Solar Energy Facility or Related Solar Development shall be divided, phased, segmented or otherwise structured through separate parcels, applications, leases, ownership entities, affiliated entities, limited liability companies, interconnection requests, project phases or other arrangements for the purpose or effect of circumventing the size classifications, thirty-acre maximum, townwide limit, or any other requirement of this Ordinance. Separate proposals determined by the Planning Board, through written findings, to constitute a Related Solar Development shall be treated as a single facility for purposes of this Section. Nothing in this Section prohibits a person or entity from owning, purchasing, selling, leasing, creating or maintaining parcels of land larger than thirty (30) acres. The acreage limitations apply solely to Facility Area and shall not constitute a limitation on parcel size, land ownership, or the number or configuration of lawfully created parcels.

G. Brownfield Redevelopment Exception. The thirty-acre maximum and five-facility townwide limit shall not apply to a facility whose entire Facility Area lies within the adopted Brownfield Redevelopment Area. Eligibility requires documentation of previous industrial development or brownfield conditions and compliance with applicable cleanup approvals, environmental caps, institutional controls and other restrictions. No exception shall authorize development incompatible with applicable environmental permits or cleanup requirements. A facility remains subject to every other applicable requirement except a modification expressly authorized under Section 5(E). A facility or Related Solar Development extending beyond the adopted area shall be reviewed cumulatively under subsections E and F and shall not receive the acreage or numerical exception. The exception does not reserve

the former mill site exclusively for solar use or authorize interference with existing lawful access, utilities or environmental-maintenance obligations.

H. Administration of the Townwide Limit. The Town shall maintain a public register of counted facilities and valid approvals. Subject to Section 31 and legally protected rights, the count shall include existing lawfully established facilities with at least six acres of Facility Area and unexpired approvals for Large-Scale facilities. Qualifying facilities under subsection G are excluded. Related Solar Development counts as one facility using its cumulative Facility Area. Expansion of a counted facility does not create an additional count, but remains subject to the cumulative acreage maximum and other applicable requirements. Expansion of a smaller facility to six acres or more requires an available count. A facility exceeding thirty acres by reason of legally protected existing status shall count as one unless it qualifies under subsection G; counting does not itself require its removal or authorize expansion. Applications alone do not reserve a count. An approval ceases to count upon lawful expiration, revocation or written surrender before construction, or upon completed decommissioning and restoration accepted by the Town. This subsection does not independently establish a permit-expiration date. The register shall state the basis for each inclusion or exclusion, and the Board shall confirm the available count before approval.

I. Acreage Exhibit and Numerical Findings. Each application shall provide a surveyed or professionally verified exhibit showing Facility Area boundaries, each included acreage category, shading-control clearing, phased or related development, project infrastructure and exclusions. The Board shall make written findings resolving disputed acreage and related-development status before approval. The thirty-acre maximum and five-facility limit are policy standards subject to the pre-enactment factual review described in Appendix A; this subsection does not authorize the Board to waive either limit.

Section 5. Setbacks

A. Property Lines. Facility Components shall be located at least two hundred (200) feet from exterior property lines of the Development Site.

B. Residential Dwellings. Facility Components shall be located at least three hundred (300) feet from an existing Residential Dwelling located outside the

Development Site.

C. Public Roads. Facility Components shall be located at least three hundred (300) feet from the right-of-way of a Public Road.

D. Measurement. Required setbacks shall be measured horizontally from the nearest Facility Component to the applicable property line, Residential Dwelling or Public Road right-of-way.

E. Limited Brownfield Redevelopment Modification. Only for a facility qualifying under Section 4(G), the Planning Board may modify the property-line setback in subsection A, the Public Road setback in subsection C, or buffer width and tree-density requirements in Section 7 where existing industrial development, environmental caps or cleanup restrictions materially constrain compliance. The 300-foot Residential Dwelling setback in subsection B shall not be reduced under this provision. Before deciding a modification request, the Board shall hold a public hearing with notice published at least fourteen (14) days before the hearing and mailed at least fourteen (14) days before the hearing to abutting owners, owners directly across an adjoining Public Road, and owners of off-site Residential Dwellings within 300 feet of the Development Site, using current assessing records. The notice shall identify each requested modification. Applicable procedures requiring greater notice shall also be followed. The Applicant shall submit the requested dimensions and a comparison with a compliant layout. The Board shall make written findings that: (1) the entire Facility Area qualifies under Section 4(G); (2) the modification is the minimum reasonably necessary to enable reuse of developed industrial or brownfield land; (3) a professionally prepared screening and visual-impact plan provides substantial year-round screening from affected homes and ordinary Public Road viewpoints, using measures compatible with cleanup restrictions; (4) glare, noise, fire safety, emergency access and other mandatory standards remain satisfied; (5) soil, groundwater, wetlands, environmental caps and remediation systems are protected; and (6) the modification does not extend eligibility to adjoining undeveloped land. The decision shall specify approved dimensions, screening measures, maintenance and verification requirements. No other standard may be waived under this subsection.

Section 6. Height

Ground-mounted solar panels and associated mounting structures shall not exceed fifteen (15) feet in height, measured from finished ground level to the highest point of the array at its maximum operating tilt.

Section 7. Vegetated Buffers, Setback Vegetation and Screening

A two-hundred-foot (200-foot) natural vegetated buffer shall be maintained along exterior boundaries of the Development Site. Existing mature trees, understory vegetation and natural vegetation within the required buffer shall be preserved to the greatest extent practicable. The required vegetated buffer shall contain at least twenty-five (25) trees having a diameter greater than two (2) inches, measured at breast height, four and one-half (4.5) feet above ground level, for every one hundred (100) linear feet of exterior property line. Existing qualifying trees may be counted toward this requirement.

Where existing vegetation is insufficient, supplemental screening shall: (1) consist of native trees and shrubs appropriate to the site; (2) include at least two rows of plantings where supplemental screening is required; (3) include supplemental trees having a minimum nursery caliper of 1.5 inches at planting for deciduous trees, measured six inches above the root flare; evergreen screening trees shall instead be at least six feet tall at planting; (4) fill significant gaps in existing vegetation; and (5) be designed to provide substantial year-round visual screening at maturity.

Vegetation Within Required Setback Areas. Except for approved access ways, utility crossings, emergency access, drainage improvements, or other infrastructure specifically approved by the Planning Board, existing trees, shrubs, understory vegetation and other natural vegetation within all required setback areas established by Section 5 shall be preserved. Clearing within a required setback shall be limited to the minimum reasonably necessary for an approved purpose and shall not materially reduce the visual-screening function of the setback or required vegetated buffer.

Where existing vegetation within a required setback is insufficient to provide substantial year-round screening of Facility Components from an affected Residential Dwelling or Public Road, supplemental native trees and shrubs shall be installed and maintained in accordance with this Section. The Planning Board shall require the landscaping and screening plan to identify existing vegetation to remain, proposed clearing, supplemental plantings, and the means by which required setback vegetation and screening will be maintained throughout facility operation. Along any portion of a Development Site visible from a Public Road, existing vegetation shall be preserved and supplemental vegetative screening shall be provided as necessary so that Facility Components are substantially screened from ordinary public-road viewpoints throughout the year.

Where vegetation alone cannot reasonably provide the required screening, the Planning Board may require berms or other context-appropriate visual screening.

Required vegetation shall be maintained throughout facility operation. Required supplemental vegetation that dies, becomes diseased or substantially damaged shall be replaced during the next appropriate planting season.

Openings within required buffers and setback vegetation shall be limited to those reasonably necessary for approved entrances, utility crossings, emergency access, drainage improvements or similar infrastructure.

Any modification of buffer width or tree density is limited to Section 5(E). Required year-round screening, maintenance and replacement obligations remain applicable. Plantings, berms and excavation on brownfield land shall be compatible with environmental caps and cleanup restrictions; where those restrictions prohibit planting or berms, the approved plan shall provide effective alternative screening.

Screening Plan and Establishment. A landscape architect, qualified forester or other appropriately qualified professional shall prepare a screening plan identifying retained vegetation, protected root zones, species, installation sizes, spacing, planting locations, existing gaps, affected homes and public viewpoints, and maintenance and replacement procedures. The plan shall document leaf-off conditions and screening at installation and at the end of

the fifth growing season. Substantial year-round screening means that panels and major equipment do not dominate the ordinary view from identified affected homes and road viewpoints, with approved access openings allowed. The Board shall identify the relevant viewpoints and required screening outcomes in its findings; tree counts alone do not demonstrate compliance. Where planting will take time to establish, the plan shall provide interim screening measures where necessary, compatible with safety and site conditions.

Tree Measurement and Site Conditions. The plan shall distinguish measurements of established trees from nursery caliper and evergreen height. It shall state how multi-stem trees are counted without duplicate credit. Healthy field vegetation shall be retained where compatible with approved screening; supplemental planting shall be concentrated where necessary to meet the tree-density and visual requirements, avoiding unnecessary soil disturbance. No clearing or trimming for shading control may reduce required buffers or screening. Site conditions do not independently waive buffer width or tree density; any modification remains limited to Section 5(E).

Verification. Screening shall be inspected after installation, annually during establishment, and after substantial damage. Failed required plantings shall be replaced in the next appropriate planting season. Annual reports shall document progress toward approved establishment objectives and corrective action.

Section 8. Grading, Topsoil and Vegetation Management

Regrading shall be minimized to the greatest extent practicable. Topsoil removed during construction shall be stored and stabilized on site for future restoration and decommissioning unless otherwise approved by the Planning Board. Herbicides and pesticides shall not be used at the facility without prior written authorization from the Town's designated enforcement official and compliance with applicable law. Fuel and hazardous materials shall not be stored on site except materials reasonably associated with facility equipment, including batteries, and only in compliance with applicable law.

A. Agricultural-Soil Inventory and Alternatives. The Applicant shall map Agricultural Soils using current NRCS soil-survey information and provide field verification by a qualified soil professional where mapping is uncertain or proposed grading may materially affect those soils. The application shall quantify separately the acres of each soil category within the Development Site and the acres proposed for occupancy, clearing, grading, paving or other disturbance. The Applicant shall compare practicable layouts that avoid or reduce those impacts, including use of already disturbed or less agriculturally valuable portions of the site. Agricultural Soils shall be retained as contiguous, usable open land to the greatest extent practicable, particularly in critical rural areas where designated by the Town. The Board shall find that avoidable impacts have been avoided and unavoidable impacts minimized; commercial preference alone shall not justify disturbance.

B. Soil-Protection Plan. Where Agricultural Soils would be affected, a qualified soil or agricultural professional shall prepare a plan identifying topsoil depths and handling methods; segregated storage of topsoil and subsoil; construction-traffic routes; measures to prevent and remedy compaction; erosion controls; existing agricultural drainage and proposed protection or replacement; and access to remaining farmland. The plan shall prohibit mixing suitable agricultural topsoil with contaminated material and provide for its retention and restoration unless an alternative protective method is expressly approved. Construction on saturated agricultural soils shall be avoided to the greatest extent practicable. Baseline conditions and measurable restoration objectives shall be recorded before disturbance. The Board may request technical advice from Soil and Water Conservation District staff. Any proposed agricultural co-use shall include an operating plan demonstrating actual agricultural usability; vegetation maintenance alone does not demonstrate such co-use.

Section 9. Natural Resources and Forest Clearing

The Applicant shall identify wetlands, streams, brooks, rivers, ponds, significant wildlife habitat, vernal pools and other protected natural resources potentially affected by the facility. The Applicant shall provide available natural-resource information from appropriate state agencies and any additional professional investigation reasonably required by the Planning Board. Facility design shall avoid impacts to protected natural resources to the greatest extent practicable and minimize impacts that cannot practicably be avoided. Forest and mature-vegetation clearing shall be limited to the minimum reasonably necessary for construction, operation, maintenance, emergency access and applicable safety requirements. The Applicant shall identify total existing forest acreage, acreage proposed for clearing, locations of proposed clearing and forest proposed to remain. Required 200-foot vegetated buffers shall not be cleared except for openings specifically authorized under this Ordinance. The application and Board review shall expressly consider current Beginning with Habitat maps and information, identified wildlife crossings and travel corridors, high- and moderate-value deer wintering areas, scenic resources, and affected watersheds and groundwater supplies. Mapping shall be supplemented by professional field investigation where necessary to determine site conditions. Designs shall retain habitat connections and minimize fragmentation through practicable adjustments to array placement, clearing, access roads and fencing. The Board shall obtain available Maine Department of Inland Fisheries and Wildlife recommendations where mapped or field-identified significant habitat may be affected, and shall make findings addressing those recommendations and any departures. High- and moderate-value deer wintering areas shall receive at least the protection recommended by that Department, to the extent compatible with applicable law. Applications shall identify any portion of the site draining to Parker Pond and demonstrate measures to protect water quality, including evaluation of phosphorus export where relevant. Plans shall identify sustained slopes of 20 percent or greater covering two or more contiguous acres and avoid development, including new access roads, on those areas to the greatest extent practicable; unavoidable disturbance requires professional slope-stability and erosion-control review.

Section 10. Fencing and Wildlife Passage

Ground-mounted facility equipment shall be enclosed by security fencing at least eight (8) feet high. Fencing shall consist of black PVC-coated chain-link fencing or another material providing equivalent security and approved by the Planning Board. The bottom of fencing shall generally be elevated at least six (6) inches above ground level to permit passage of small terrestrial wildlife, except where inconsistent with electrical, fire or public-safety requirements. Facility design shall incorporate applicable wildlife-movement recommendations where practicable and consistent with public safety. All gates shall remain locked when the facility is unattended. Appropriate electrical and safety warning signs shall be installed.

Section 11. Access and Emergency Response

The facility shall provide adequate access and circulation for emergency and maintenance vehicles. At least one twenty-foot-wide (20-foot) all-weather access way shall connect the facility with a Public Road. The Applicant shall submit an Emergency Management Plan addressing, as applicable: fire prevention and response; emergency access; facility shutdown; electrical isolation; emergency contact information; transformers and inverters; battery-storage equipment; substations; site-specific hazards; and coordination with the Jay Fire Department and other emergency responders. The Emergency Management Plan shall be updated whenever material changes occur to the facility or emergency procedures.

Section 12. Glare and Lighting

The facility shall be designed, located and operated to minimize unreasonable glare affecting neighboring properties and Public Roads. The Planning Board may require a professional glare analysis when reasonably necessary to determine compliance. Artificial lighting shall be prohibited except where reasonably required for safety, maintenance, emergency response or applicable governmental requirements. Permitted lighting shall be designed and located to minimize illumination beyond the Development Site.

Section 13. Noise

A. Performance Standard. No Commercial Ground-Mounted Solar Energy Facility shall generate operational sound exceeding the preconstruction or existing background sound level by more than ten (10) A-weighted decibels (dBA) when measured at an exterior property line of the Development Site, unless a different measurement standard is required by controlling state or federal law.

B. Noise-Producing Components. Inverters, transformers, substations, battery-energy-storage equipment, cooling equipment and other noise-producing Facility Components shall be located, designed and operated to minimize noise impacts upon neighboring properties and Residential Dwellings.

C. Professional Assessment. The Planning Board shall require a noise assessment prepared by a qualified acoustical professional when reasonably necessary to determine compliance. The assessment shall identify existing background sound levels, predicted operational sound levels at exterior property lines and nearby Residential Dwellings, significant tonal or intermittent characteristics where applicable, and proposed noise-mitigation measures.

D. Measurement Protocol. Any required compliance measurement shall use generally accepted professional acoustical methods and instrumentation appropriate to the sound source and shall document measurement location, duration, operating conditions, weather conditions, background sound and relevant equipment operating status. The Planning Board may require the Applicant's acoustical professional to propose a project-specific measurement protocol for approval before testing.

E. Continuing Compliance. Compliance with this Section shall constitute a continuing condition of approval. When the Town has reasonable grounds to believe a facility is violating this Section, the Town may require sound measurements or other investigation by a qualified professional. If a violation is established, the Owner/Operator shall implement corrective measures necessary to restore compliance.

F. Baseline and Testing Requirements. Before disturbance, an acoustical professional shall establish representative daytime and nighttime background levels at affected exterior property lines and nearby off-site dwellings, documenting periods, instrumentation, sound-source exclusions and weather. A daytime reading alone shall not establish nighttime background. The protocol shall use fixed, identified receptor locations and representative one-hour equivalent sound levels (LAeq,1h), with shorter intervals and statistical sound descriptors where necessary to characterize tonal, intermittent or cycling equipment. It shall distinguish facility-only operational sound from background sound using accepted methods; the ten-dBA comparison shall not be calculated from an unexplained mixture of both. Testing shall evaluate the maximum normal concurrent operation of inverters, transformers, storage cooling and other significant sources, including nighttime operation where applicable, and shall identify tonal characteristics and proposed mitigation. Measurements affected by unsuitable weather or extraneous sound shall be explained and repeated where necessary.

G. Commissioning and Corrective Measures. A Large-Scale facility, or a smaller facility when the Board identifies a material noise concern, shall undergo professional compliance testing within ninety (90) days after commercial operation begins, or during the first representative operating period approved in writing. The report shall compare measured results with the baseline, approved predictions and applicable standards. If compliance is not demonstrated, the Owner/Operator shall submit a corrective-action schedule within thirty (30) days, implement required measures and repeat testing. The Town may require interim operating restrictions reasonably necessary to prevent an established violation, subject to applicable law.

H. Technical Review Before Enactment. Appendix A calls for acoustical review of this protocol and whether separate daytime and nighttime absolute limits and tonal adjustments should supplement subsection A. No unadopted limit or adjustment is enforceable under this subsection.

Section 14. Stormwater, Drainage and Erosion

The Applicant shall submit stormwater, drainage and erosion-control information sufficient to demonstrate compliance with applicable municipal and state requirements. Where land beneath solar panels remains vegetated and pervious, treatment of the panels and underlying land for stormwater calculations shall be determined consistently with applicable Maine Department of Environmental Protection requirements. Roads, buildings, concrete pads and other impervious surfaces shall be treated accordingly. Stormwater, drainage and erosion-control facilities shall be maintained throughout the operating life of the facility.

Section 15. Visual Impact Assessment

The Planning Board may require a visual-impact assessment prepared by a qualified professional when a proposed facility may materially affect an identified scenic resource, public viewpoint, Public Road corridor, or scenic area identified in an adopted municipal plan or policy. The assessment may include photographs, viewshed mapping, visual simulations, identification of affected viewpoints and proposed mitigation.

Section 16. Application Fees

A. Graduated Schedule. Proposed nonrefundable application fees are five hundred dollars ($500) for Small-Scale, two thousand five hundred dollars ($2,500) for Medium-Scale, and ten thousand dollars ($10,000) for Large-Scale facilities. A facility qualifying for the Brownfield Redevelopment Exception with six acres or more of Facility Area shall pay the Large-Scale fee. Related Solar Development shall be classified using cumulative Facility Area. An amendment fee shall be based on the resulting facility class and limited to the reasonable administrative cost of the amendment review under a fee schedule adopted by the Town; until such a schedule is adopted, the Town shall charge documented reasonable administrative costs not exceeding the corresponding new-application fee.

B. Cost Basis. Before enactment, the Town shall document anticipated administrative costs supporting the schedule and adjust proposed amounts if necessary through the ordinance-enactment process. Fees shall not

duplicate professional services billed through Section 17. The schedule may be changed only through lawful amendment or an expressly authorized fee-setting process. The proposed amounts are review-draft policy choices, not findings that these costs have already been established.

Section 17. Independent Professional Review and Escrow

A. Independent Review. The Town may retain engineers, attorneys, planners, environmental specialists, acoustical professionals and other qualified professionals reasonably necessary for application review, inspection, compliance determinations or enforcement. Reviewers shall be selected by and report to the Town. Reasonable costs shall be paid by the Applicant or, after approval, the Owner/Operator, to the extent authorized by law.

B. Project-Specific Deposit. The Town shall establish an initial professional-review escrow based on a written estimate of reasonably anticipated review costs, scaled to facility size, complexity and potential impacts. The initial deposit shall ordinarily be $1,000 for Small-Scale, $3,000 for Medium-Scale and $5,000 for Large-Scale facilities; the Town may require a different amount upon a documented estimate. The Town shall provide a scope of review and require replenishment based on estimated remaining work, with itemized notice and at least fifteen (15) days to replenish. Review may be suspended after notice if required funds are not provided, subject to applicable deadlines and law.

C. Accounting and Refund. The Town shall maintain a separate project accounting, provide itemized charges identifying services and dates, avoid duplicate billing, and return unused funds after final accounting for the completed review or inspection phase, ordinarily within sixty (60) days. Disputed charges may be presented to the municipal officers for written review without limiting otherwise available legal remedies. A continuing escrow may be maintained only for identified, reasonably anticipated tasks and shall not substitute for decommissioning security.

D. Transfers and Enforcement Costs. Before a planned ownership or operating transfer, the successor shall assume lawful ongoing review and inspection payment obligations and maintain required escrow. The Town

shall not release the transferor from accrued lawful charges merely because ownership changes. Contested enforcement-cost recovery remains subject to applicable legal authority and procedures.

Section 18. Application Requirements

A complete application shall include, at minimum: Applicant, landowner, facility-owner and operator information; evidence of legal authority to use the property; tax map and lot information; identification of contiguous and related properties and any facts relevant to determining Related Solar Development status; complete property boundaries; Facility Area calculations; locations and dimensions of solar arrays; inverters, transformers and electrical equipment; substations; battery-storage equipment, if proposed; fencing and gates; access and internal roads; utilities and electrical corridors; existing vegetation; proposed clearing; grading and topography; wetlands and other identified natural resources; stormwater and drainage information; all required setbacks; required buffers; Residential Dwellings necessary to demonstrate compliance with the 300-foot setback; Public Road rights-of-way necessary to demonstrate compliance with the 300-foot setback; landscaping and screening plan, including road-view screening; tree-density calculations; Emergency Management Plan; Operations and Maintenance Plan; Construction Management Plan; Decommissioning Plan; available state and federal permit applications and approvals; and other information reasonably necessary for the Planning Board to determine compliance with this Ordinance. An Applicant claiming the Brownfield Redevelopment Exception shall also identify the tax map and lot numbers relied upon and demonstrate that the entire Facility Area for which the exception is claimed lies within the Brownfield Redevelopment Area. The application shall also include the Agricultural-Soil inventory, alternatives analysis and soil-protection plan required by Section 8; the resource mapping and analyses required by Section 9; and a preconstruction baseline record of soils, drainage, vegetation, land uses and known contamination. Brownfield applications shall provide the adopted eligibility exhibit, a surveyed or otherwise professionally verified project overlay demonstrating eligibility, available environmental assessments, relevant cleanup approvals and restrictions, and a plan protecting caps and remediation systems during construction, operation and removal. A request under Section 5(E) shall include the proposed alternative dimensions and evidence supporting every required finding. Decommissioning submissions shall satisfy Sections 24 through 26. Required plans may be combined where every applicable requirement is

clearly addressed.

Supplemental Application Information. Applications shall include the acreage exhibit required by Section 4(I), the screening-establishment plan under Section 7, the noise protocol under Section 13 where applicable, the inspection and reporting schedule under Section 28, and every battery-storage submission required by Section 34. The Applicant shall submit an accessible electronic copy and a nonconfidential public-review copy; any claimed confidentiality shall identify its legal basis and shall not prevent disclosure required by Maine law.

Section 19. Construction Management and Town Roads

The Applicant shall submit a Construction Management Plan identifying anticipated construction duration, heavy-truck traffic, anticipated vehicle types and weights, delivery schedules and proposed truck routes. The Planning Board may require a preconstruction assessment documenting the condition of Town roads reasonably expected to be affected by facility construction. The Planning Board may require reasonable financial security sufficient to ensure repair of project-related damage to Town roads.

Section 20. Operations and Maintenance Plan

The Applicant shall submit an Operations and Maintenance Plan addressing routine inspections; maintenance schedules; vegetation management; screening maintenance; revegetation monitoring; rehabilitation of disturbed soils; stormwater facilities; fencing; access roads; emergency contact information; and procedures for damaged or defective equipment. The Owner/Operator shall maintain a current public telephone number and responsible contact person with the Town throughout facility operation.

Complaint Response. The public contact shall accept and log complaints, acknowledge them within five (5) business days where contact information is provided, investigate promptly, and report the issue and response to the Town. Immediate safety hazards shall be reported promptly to emergency responders. Complaint records shall be included in annual compliance reports; receipt of a complaint does not itself establish a violation.

Section 21. Completeness

The Planning Board shall determine whether an application is complete before substantive review begins. An application shall not be determined complete until all information required by this Ordinance has been submitted, unless the Planning Board determines in writing that a particular requirement does not apply to the proposed facility. A determination that an application is complete does not constitute approval or establish that the proposed facility complies with this Ordinance.

Section 22. Mandatory Approval Criteria

The Planning Board shall not approve an application unless the Applicant demonstrates through competent evidence that each and every applicable requirement of this Ordinance has been satisfied. The Applicant bears the burden of demonstrating compliance. Before granting approval, the Planning Board shall make written findings addressing each applicable criterion, including: compliance with the 30-acre maximum, five-facility townwide limit and Related Solar Development/anti-circumvention requirements, or qualification for the Brownfield Redevelopment Exception; compliance with the 200-foot property-line setback or an expressly approved modification under Section 5(E); compliance with the 300-foot Residential Dwelling setback; compliance with the 300-foot Public Road setback or an expressly approved modification under Section 5(E); compliance with the 15-foot height maximum; compliance with buffer, tree-density, road-view screening and other screening requirements, including any expressly approved modification under Section 5(E); minimization of grading and site disturbance; avoidance and minimization of Agricultural-Soil impacts under Section 8; adequate soil protection and future agricultural usability; compliance with natural-resource requirements; minimization of forest clearing and fragmentation; compliance with wildlife requirements, habitat-connectivity measures and the resource-review findings required by Section 9; adequate emergency and maintenance access; an adequate Emergency Management Plan; compliance with fencing and wildlife-passage requirements; compliance with glare and lighting requirements; compliance with noise requirements; adequate stormwater, drainage and erosion controls; compliance with visual-impact requirements; adequate operations and maintenance provisions; compliance with decommissioning requirements; compliance with applicable financial-assurance requirements; and compliance with all other applicable provisions of this Ordinance. Failure to demonstrate compliance with any applicable mandatory criterion shall preclude approval. The Planning Board may impose reasonable conditions necessary to ensure compliance with this Ordinance. The Planning Board shall not use a condition of approval to waive or reduce a mandatory minimum requirement unless this Ordinance expressly authorizes such modification.

Section 23. State Decommissioning Requirements

A Commercial Ground-Mounted Solar Energy Facility subject to Maine's statutory decommissioning requirements shall obtain all required state decommissioning approvals and financial assurance. The Applicant shall provide the Town with copies of applicable state-approved decommissioning plans and financial-assurance documentation before facility construction begins. Nothing in this Ordinance eliminates an independently applicable municipal requirement except to the extent prohibited or preempted by state law.

Section 24. Municipal Decommissioning Requirements

A. Required Plan and Baseline. Every facility subject to this Ordinance shall submit a Decommissioning Plan prepared with assistance from qualified professionals appropriate to the site. The plan shall identify the responsible Owner/Operator; inventory equipment and improvements; describe removal methods and schedules; document preconstruction soils, drainage, vegetation, land uses and known contamination; establish site-specific restoration objectives under Section 25; describe investigation and response procedures for spills, damaged equipment and possible project-related soil or groundwater contamination; address dust and airborne contaminants during removal; and identify recycling and disposal arrangements using facilities authorized to accept the relevant materials. The plan shall include transportation, testing, removal, disposal, restoration and monitoring costs and describe how completion will be verified. Facility destinations shall be updated before removal if the originally identified destinations are unavailable. A municipal approval does not determine whether material is hazardous waste; handling shall follow applicable law and material-specific assessment. The plan shall be updated when equipment, site conditions or removal methods materially change.

B. End of Use and Abandonment. Subject to applicable state law, the Town may require decommissioning when the Owner/Operator declares permanent cessation; the facility reaches the end of its useful life without an approved replacement or repowering plan; or the facility has ceased generation for six consecutive months without a documented, timely repair or restart plan. Generation shall be evaluated through meter or

interconnection records, operating reports and equipment conditions. Ordinary seasonal variation, reduced output, temporary utility curtailment and documented maintenance do not alone establish abandonment. The Owner/Operator shall provide reasonably necessary operational records upon written request. Before a final abandonment determination, the designated enforcement official shall give written notice stating the evidence and grounds and allow at least thirty (30) days for a written response and an opportunity to be heard by the municipal officers. The municipal officers shall issue written findings. They may allow a repair or restart extension of not more than twelve (12) months upon evidence of a feasible schedule, available financing, necessary approvals, continued safety and maintained financial assurance. Further extension requires a new noticed opportunity to be heard and specific findings supporting the delay. No extension authorizes noncompliance with environmental or safety requirements.

C. Removal and Environmental Assessment. Following a final determination and required notice, complete removal and initial site restoration shall occur within three hundred sixty-five (365) days, except for approved longer-term vegetation establishment and monitoring under Section 25. Before land disturbance associated with decommissioning, a Phase I Environmental Site Assessment shall be conducted. Additional investigation, including an appropriate Phase II assessment, shall be performed where the Phase I assessment indicates possible contamination. Findings shall be compared with baseline information and referred to the appropriate environmental agency where required. Project-related contamination shall be investigated and addressed in accordance with applicable law and the approved plan. Pre-existing contamination and cleanup obligations shall be handled consistently with applicable permits, legal responsibilities and agency requirements; approval does not transfer unrelated historic liability to the solar operator.

D. Components and Waste. Decommissioning shall include removal of all project-related solar panels and arrays; mounting and racking systems; fencing and gates; wiring and conduits; foundations; pilings and auger screws; inverters; transformers; batteries and battery-storage equipment; electrical equipment; signs; buildings and structures; concrete pads; and debris. Recyclable components shall be delivered to facilities authorized to accept them for recycling, and other materials to facilities authorized to

accept them for disposal. Delivery records, receipts and waste manifests, where applicable, shall be submitted to the Town. Gravel, access ways and stormwater improvements shall be removed unless the landowner requests continued use in writing and the Town approves retention consistent with restoration objectives and applicable law.

E. Brownfield Removal Methods. Removal and restoration shall preserve environmental caps, drainage and remediation systems and comply with applicable cleanup conditions and restrictions. If otherwise required removal would conflict with a legally binding environmental restriction, the plan shall identify an alternative method supported by the responsible environmental agency. The Board may approve only the limited retention or alternative method necessary to comply with that restriction, with locations documented and secured against public exposure. This provision does not excuse removal for convenience or cost alone.

Section 25. Site Restoration

A. Site-Specific Objectives. Disturbed areas shall be stabilized, appropriate topsoil restored, compaction remedied and drainage restored in accordance with the approved plan. Restoration shall reflect documented preconstruction conditions, applicable state requirements and the lawful future use approved by the Town. Native vegetation shall be used where compatible with that use; agricultural crops and pasture mixtures appropriate to resumed farming are permitted. Restoration shall not introduce contamination or impair adjoining resources.

B. Agricultural Land. Agricultural land shall be restored to a condition capable of supporting resumption of farming or agricultural activities, with suitable topsoil depths, drainage, soil structure and practical access. A qualified soil or agricultural professional shall verify the approved soil and drainage objectives. No tree-planting requirement shall apply to areas restored for crops, hay, pasture or other agricultural use incompatible with trees. Applicable state farmland-restoration requirements remain mandatory.

C. Forested Land. Previously forested disturbed areas shall be restored under a professionally prepared forest-restoration plan, unless the Town approves

a different lawful future use after finding that the alternative is consistent with applicable resource protections and the Comprehensive Plan. Forest restoration shall be directed by a Maine-licensed forester and use site-appropriate native species, protected natural regeneration and supplemental planting. The plan shall set measurable stocking targets in established live stems per acre, species diversity, distribution, invasive-species controls, soil rehabilitation and browsing protection sufficient to establish a functioning forest community. A fixed number of large nursery trees shall not substitute for adequate forest stocking. The forester shall justify site-specific targets using recognized regional silvicultural guidance and documented site conditions; the Board shall approve those targets before disturbance. Monitoring shall continue for at least five growing seasons following forest-restoration planting or regeneration measures, with written assessments at the end of years one, three and five and corrective planting or other measures where objectives are unmet. Required planted stock shall achieve at least ninety percent (90%) survival after two growing seasons; natural regeneration shall meet the approved stocking and distribution targets. Replacement and monitoring shall continue as necessary to demonstrate the approved objectives.

D. Industrial and Brownfield Land. Previously developed industrial or brownfield areas shall be restored to a safe, stable condition suitable for an approved lawful reuse, consistent with environmental caps, cleanup restrictions and remediation obligations. Tree planting or agricultural restoration shall not be required where incompatible with those restrictions or the approved industrial reuse.

E. Verification and Monitoring. The approved plan shall set measurable completion criteria for soil conditions, drainage, erosion control, vegetation establishment and any required environmental response. A qualified professional shall submit a completion report documenting compliance. The Owner/Operator shall monitor restored areas for at least two years following initial restoration, and for formerly forested land for the longer period required by subsection C and correct failed vegetation, erosion, drainage defects or other unmet criteria. Longer monitoring shall be required where necessary under an applicable environmental approval. Town acceptance and release of financial assurance shall follow Section 26.

Section 26. Municipal Decommissioning Financial Assurance

To the extent permitted by Maine law and coordinated with applicable state decommissioning requirements, the Town shall require financial assurance sufficient to secure municipal decommissioning and site-restoration obligations. The required financial assurance shall equal one hundred fifty percent (150%) of the independently estimated cost of complete decommissioning and site restoration. A new independent decommissioning cost estimate shall be prepared at year five and every five years thereafter. Within ninety (90) days following Town acceptance of an updated estimate, the financial assurance shall be adjusted to equal 150% of the updated estimated cost. Anticipated salvage or resale value of solar panels, equipment, metals or other facility components shall not be deducted when calculating required financial assurance.

A. Cost Scope and Posting. The independent estimate shall include labor, mobilization, equipment removal, transport, recycling, disposal, environmental assessment and reasonably anticipated project-related remediation, grading, soil rehabilitation, drainage restoration, planting, professional verification, required monitoring and reasonable Town implementation expenses. Estimates shall document assumptions and avoid counting the same contingency twice. Financial assurance shall be approved and posted before any facility-related land disturbance and remain continuously effective through completion and acceptance of required restoration and monitoring.

B. Acceptable Security. Security shall be in the form of a performance or surety bond, irrevocable letter of credit, cash escrow or another enforceable instrument approved by the Town after legal review. A corporate promise or financial statement alone is insufficient. The instrument shall make funds available for Town performance of secured obligations following default, subject to its lawful terms, and shall not depend on the future solvency of the Owner/Operator. It shall require at least ninety (90) days' advance written notice to the Town of cancellation, nonrenewal or material reduction, provide for replacement before coverage ends and permit a lawful draw if timely replacement is not supplied. Unreplaced or inadequate security constitutes a violation subject to Section 29.

C. Coordination with State Security. State-required assurance may satisfy an overlapping municipal obligation only to the extent written instrument terms or an enforceable agreement establish that adequate funds are legally available for that obligation when needed. The Town shall document the secured tasks, beneficiaries, draw authority and allocation of funds. The same funds shall not be credited twice against separate obligations without adequate enforceable coverage. Where state security does not satisfy those conditions, additional municipal security shall cover the unmet municipal requirement to the extent permitted by law.

D. Release. The Town may approve a partial release only after professional verification of completed tasks and a finding that retained security remains sufficient for all outstanding obligations under the required 150-percent standard. Final release requires written Town acceptance of removal, required environmental work, restoration and successful monitoring under Section 25. Transfer of ownership does not release or interrupt security.

E. Interim Inflation and Material Changes. Between independent five-year estimates, the cost basis shall be adjusted annually using the U.S. Bureau of Labor Statistics annual-average Consumer Price Index for All Urban Consumers, U.S. city average, all items, or a successor index approved by the Town if that series is discontinued. The first adjustment shall occur on the first anniversary of posting; the plan shall identify the reference year and calculation. Reductions in security shall require Town approval under subsection D. A new independent estimate shall be required before a material expansion, added or materially changed battery storage, or another change substantially affecting removal or restoration costs. The Town may also require an interim independent estimate upon documented evidence of a material cost change that inflation adjustment does not adequately capture. Security shall be increased within ninety (90) days after Town acceptance of an estimate or annual adjustment, and before work on an approved expansion or material modification begins. No estimate or adjustment shall count the same contingency or cost escalation twice. Adjustments remain subject to applicable state law and subsection C.

Section 27. Transfer of Ownership or Operational Control

Transfer of the Development Site, facility ownership or operational control shall not terminate obligations imposed under this Ordinance or conditions of approval. A successor Owner/Operator shall provide updated contact information to the Town and assume all applicable municipal obligations associated with operation, maintenance, decommissioning, restoration and financial assurance. The transferor shall notify the Town before a planned transfer, or promptly upon learning of an unanticipated transfer, and provide successor identity and contact information. The successor shall submit a written assumption of municipal obligations and evidence of uninterrupted financial assurance. No municipal release of an existing obligor or instrument shall occur before the Town accepts enforceable replacement coverage. State decommissioning-plan transfer approval and any continuing transferor liability under 35-A M.R.S. §3493 remain independently applicable.

Section 28. Continuing Compliance

Compliance with this Ordinance, approved plans and all conditions of approval shall be required throughout construction, operation, maintenance and decommissioning. The Owner/Operator shall maintain required screening, vegetation, fencing, access roads, stormwater facilities, safety equipment and other required improvements in good condition.

A. Annual Compliance Report. By March 1 each year following commencement of construction and until final acceptance of restoration, the Owner/Operator shall submit a report covering the preceding calendar year. The report shall identify current ownership, operational contacts and emergency contacts; construction or generation status; inspections; screening condition and establishment progress; clearing and vegetation work; drainage and erosion performance; damaged equipment and waste handling; noise or glare testing where required; complaints and corrective actions; changes in equipment; and current financial-assurance instruments, amounts, expiration dates and annual adjustments. The report shall include dated photographs at approved monitoring locations and supporting professional reports. Public availability is subject to applicable disclosure law.

B. Inspection Milestones. Before disturbance, the designated enforcement official shall verify required baseline records, approved plans, security and construction conditions. Qualified professionals shall document installation and functioning of erosion controls, completion of major grading and drainage work, installation of screening, and conformity of installed equipment with approved plans. Before commercial operation, the Applicant shall submit an as-built plan and professional certification addressing applicable approved design standards and identifying any departures. The Town shall issue written acceptance of commissioning conditions; deferred seasonal planting or testing requires an approved schedule and adequate security. Such acceptance does not waive continuing obligations.

C. Continuing Inspection and Access. The Town may conduct scheduled and complaint-based inspections under applicable law and require appropriate professional verification where reasonably necessary. Owner and landowner agreements shall provide lawful access for required inspection, testing and, following default, performance of secured removal and restoration, subject to legal process and safety requirements. Annual reports do not replace inspections or independently prove compliance. Ongoing inspection expenses shall be governed by Section 17.

Section 29. Administration and Enforcement

A. Enforcement Official. This Ordinance shall be administered and enforced by the Town's Code Enforcement Officer or another municipal official lawfully designated by the Town to enforce this Ordinance.

B. Violations. A violation of this Ordinance, an approved plan, a condition of approval, or a lawful order issued under this Ordinance constitutes a land-use violation subject to all remedies available to the Town under applicable Maine law.

C. Notice and Corrective Action. The designated enforcement official may issue written notices of violation and orders requiring cessation, correction, abatement, restoration or other action reasonably necessary to achieve compliance, subject to applicable law and due-process requirements.

D. Inspections and Proceedings. The designated enforcement official may exercise inspection, summons and enforcement authority available under

applicable Maine law. When authorized by the municipal officers and permitted by law, the Town may initiate or prosecute civil enforcement proceedings in the name of the municipality.

E. Remedies and Costs. To the fullest extent permitted by law, the Town may seek civil penalties, injunctive relief, correction or abatement of violations, recovery of enforcement and remediation costs, court costs, reasonable attorney's fees, and any other remedy authorized by law. Each day a violation continues may constitute a separate violation where provided by applicable law.

F. Permit Consequences. To the extent authorized by Maine law, the Town may deny, suspend or revoke municipal permits or approvals associated with further development of land on which an unresolved violation exists until the violation is corrected and applicable penalties and court-awarded costs are paid. Nothing in this Section limits any other lawful enforcement authority available to the Town.

Section 30. Severability

If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions shall remain effective to the maximum extent permitted by law.

Section 31. Effective Date and Existing Development

A. Effective Date. This Ordinance shall become effective upon its lawful enactment by the Town of Jay.

B. Existing Lawfully Established Facilities. A Commercial Ground-Mounted Solar Energy Facility lawfully constructed and operating before the effective date of this Ordinance shall not be required solely by enactment of this Ordinance to remove or reconstruct existing Facility Components, except as otherwise authorized or required by applicable law.

C. Expansion or Material Modification. Any expansion or material modification of an existing Commercial Ground-Mounted Solar Energy Facility occurring after the effective date of this Ordinance shall require review under this Ordinance to the extent permitted by law. No expansion

shall be approved if the resulting facility would violate the applicable size classification, the thirty (30) acre maximum, the townwide limit on Large-Scale facilities, or any other applicable mandatory requirement of this Ordinance, except where the Brownfield Redevelopment Exception expressly applies.

D. Pending or Proposed Development. Except where prohibited by state law or where an Applicant has acquired legally vested rights, this Ordinance shall apply to Commercial Ground-Mounted Solar Energy Facility development occurring after its effective date. The filing or preparation of preliminary plans, discussions with municipal officials, acquisition or leasing of property, execution of an option or lease, engineering or environmental studies, utility-interconnection activity or other preliminary development activity shall not, by itself, constitute a determination by the Town that vested rights have been established.

E. Vested Rights. Nothing in this Ordinance shall impair a vested development right established under applicable Maine law. Any claim that a proposed or existing development is exempt from this Ordinance by reason of vested rights, grandfathered status or another legal protection shall be determined upon the particular facts and applicable law.

F. No Automatic Exemption. Except where required by applicable law, a Commercial Ground-Mounted Solar Energy Facility shall not be exempt from this Ordinance merely because the project was contemplated, designed, studied, leased, optioned, proposed or otherwise under development before the effective date.

G. Moratorium. Nothing in this Ordinance shall be interpreted to authorize activity prohibited during the effective period of a lawfully enacted municipal moratorium.

Section 32. Public Hearings, Decisions and Municipal Record

A. Mandatory Hearing. The Planning Board shall hold a public hearing before approving or denying a new facility application or a Material Modification. A hearing on permit extension shall be held under Section 33. A public hearing under Section 5(E) may be combined with the application hearing if the notice identifies each requested modification. Routine like-for-like maintenance does not require a hearing.

B. Notice. At least fourteen (14) days before the hearing, notice shall be published in a newspaper of general circulation in Jay, posted at the Town office and on the Town website, and mailed to the Applicant, landowner, abutting owners, owners directly across an adjoining Public Road and owners of off-site Residential Dwellings within five hundred (500) feet of the Development Site. Names and addresses shall be obtained from current assessing records supplemented by reasonably available information identifying off-site dwellings. The Applicant shall provide the list for Town verification and pay reasonable notice costs. Greater notice required by law or another applicable municipal procedure shall also be given.

C. Materials and Participation. Notice shall identify the property, facility size, requested approvals and modifications, hearing time and location, and how to inspect materials and submit comments. The complete nonconfidential application and available review reports shall be accessible at the Town office and electronically at least fourteen (14) days before the hearing. The Board shall provide a reasonable opportunity for oral and written comments. If material new information would prevent meaningful public review, the Board shall continue or reopen the hearing with appropriate notice before decision.

D. Written Decision. Approval, conditional approval or denial shall include findings on each applicable criterion, the approved plans and acreage, all conditions and deadlines, any modifications, and the basis for the decision. Notice of the written decision shall be provided to the Applicant and parties requesting notice within seven (7) days of the decision, subject to any controlling procedure. The Town shall retain the application, notices, comments, minutes or recordings, exhibits, professional reports, findings

and approved plans as the municipal record.

E. Appeals. This draft establishes record-based administrative review by a lawfully constituted Jay Board of Appeals of final Planning Board decisions under this Ordinance and appealable decisions, notices of violation or enforcement orders of the designated enforcement official. A person with legal standing shall file a written appeal with the Town clerk within thirty (30) days after notice of the decision, identifying the decision, grounds and relief requested, unless controlling law prescribes a different period. The Board of Appeals shall provide notice and an opportunity to be heard, review the established record and arguments, and issue written findings; it may affirm, reverse or remand within its lawful authority. It may not waive a mandatory ordinance requirement. Judicial review of final Board of Appeals decisions shall be governed by 30-A M.R.S. §2691 and Rule 80B, including the applicable statutory forty-five-day period where that provision applies. Finality and review of other decisions remain governed by applicable law. Decision notices shall identify the applicable route and deadline; a pending request for informal reconsideration does not extend a deadline unless law provides otherwise. Filing an appeal does not automatically stay an order or authorize prohibited work. Before enactment, the Town shall confirm that a properly constituted Board of Appeals exists or establish one and reconcile this subsection with other municipal appeal provisions. This draft does not represent that Jay already has such a board or procedure.

Section 33. Approval Duration, Extensions and Amendments

A. Commencement and Completion. Approval shall expire if Substantial Authorized Construction has not begun within twenty-four (24) months after the date of the written approval. The Applicant shall document qualifying work and obtain written confirmation from the designated enforcement official before the deadline. The approved construction schedule shall include a reasonable completion date; unjustified failure to meet it is subject to notice and corrective action under Section 29, rather than automatic termination of obligations for a partially built facility.

B. Limited Extension. Before expiration, the Applicant may request one extension of not more than twelve (12) months. After public hearing and

notice under Section 32, the Board may grant it only upon findings that the proposal remains compliant with applicable law, no material adverse site or neighborhood changes undermine the original findings, delay is reasonably explained, completion is feasible, and required financial assurance remains effective. Approval shall not be extended solely to reserve a facility count. Later proposals require a new application unless applicable law protects the existing approval.

C. Facility Count and Continuing Duties. Expiration of an unused approval releases its count under Section 4(H). Expiration does not extinguish duties to stabilize disturbed land, remedy violations, remove abandoned work or maintain security until required restoration is accepted. Construction-commencement deadlines do not create an expiration date for an operating facility or eliminate its continuing obligations.

D. Amendments. Expansion or Material Modification requires amended Planning Board approval, with public hearing, before work begins. The application shall address the change and its cumulative effects, updated acreage and facility count, affected performance standards, emergency plans and financial assurance. Existing or vested rights remain subject to Section 31. Approved repowering shall not reset a limit or excuse removal of obsolete equipment. The designated enforcement official may confirm in writing that like-for-like maintenance requires no amendment, provided it changes no approved dimension, footprint, impact limit, screening or safety obligation; disputed classifications may be appealed under Section 32.

Section 34. Associated Battery Energy Storage

A. Separate Review Within Facility Approval. Associated battery storage shall be specifically identified and evaluated as part of an application or amendment. Solar approval without an approved battery-storage design does not authorize later installation. Battery components and infrastructure count toward Facility Area and remain subject to applicable setbacks, noise, screening and other standards. Stand-alone storage requires independently applicable authority and is not approved by this section.

B. Technical Submissions. The Applicant shall disclose chemistry, maximum stored energy in megawatt-hours, rated power, enclosure and equipment

locations, separation distances, control and cooling systems, applicable product certifications, manufacturer safety information, and foreseeable fire, thermal-runaway, toxic-gas, explosion and spill hazards. A qualified professional shall prepare a site-specific hazard analysis and emergency-response plan proportionate to the technology and scale, identifying prevention, detection, isolation, remote and manual shutdown, responder access, communications, evacuation considerations and post-incident management.

C. Fire and Electrical Review. The Town shall obtain Jay Fire Department review and appropriate independent technical advice. The Applicant shall demonstrate compliance with applicable adopted fire, building and electrical codes, and explain use of relevant recognized storage standards where necessary to support safety findings. This section does not automatically adopt an unadopted code edition. The Board shall make written findings addressing responder recommendations and explaining any departure. Necessary site familiarization, emergency contact arrangements and training shall be completed before commissioning and updated after material changes.

D. Water, Spills and Incident Management. Where suppression water, contaminated runoff, electrolytes or other releases may occur, the plan shall evaluate water supply and safe response methods and provide appropriate containment, drainage isolation, testing, cleanup and lawful disposal. Measures shall reflect the battery chemistry and manufacturer guidance and protect wetlands, drinking-water sources and environmental caps. A serious battery incident shall be reported promptly to emergency responders and the Town; a written incident and corrective-action report shall follow within thirty (30) days or a longer period approved for necessary investigation.

E. Removal and Security. The Decommissioning Plan shall separately itemize battery handling, packaging, transport, recycling or disposal, post-incident remediation and restoration costs, using authorized facilities and applicable state battery-decommissioning requirements. Security shall be updated before battery installation or material change. A battery expansion or change in chemistry, capacity, enclosure location or hazard profile requires amended approval under Section 33.

Section 35. Project Electrical Infrastructure and Substations

Proposed addition to Version 2E | Review draft | October 28, 2026

A. Scope and Coordination. This Section applies to substations and electrical infrastructure principally associated with a Commercial Ground-Mounted Solar Energy Facility, to the extent of the Town's lawful jurisdiction. It supplements the other applicable requirements of this Ordinance. Approval under this Section does not authorize work outside the Applicant's legal control or replace utility, state or federal approvals. Existing and vested rights remain subject to Section 31.

B. Transmission and Interconnection Plan. The Applicant shall submit a professionally prepared plan showing proposed project-related collection lines, interconnection facilities and reasonably identifiable off-site connections; their routes, voltage, ownership and operational responsibility; existing and proposed rights-of-way; corridor widths and proposed clearing; pole or tower locations, types and heights above finished grade; substations, transformers and other major equipment; and distances to exterior property lines, off-site residences and public roads. The plan shall distinguish existing from proposed infrastructure and identify relevant permits, easements, utility requirements and construction access. The Applicant shall provide available interconnection schematics and agreements, with legally protected information handled as required by law. Where final utility-controlled details are not yet available, the Applicant shall identify the uncertainty and submit available information and an update schedule; no construction of an affected component shall begin until required information and approvals are provided. A material change shall be reviewed under Section 33.

C. Underground Project Wiring. Project-owned electrical collection and interconnection lines within the Development Site shall be installed underground, except where the Planning Board approves an identified aboveground segment after written findings, supported by competent engineering evidence, that burial is impracticable because of applicable safety or utility requirements, bedrock, groundwater, wetlands, environmental caps, contamination, other substantial site constraints, or disproportionate environmental disturbance. The Applicant shall compare feasible routes and methods, document the reason and length of each exception, and minimize clearing and visual impacts. Cost or convenience alone shall not establish

impracticability. Utility-owned connections, public rights-of-way and off-site facilities remain subject to applicable law and utility requirements; this subsection does not compel unauthorized work or override required safety clearances.

D. Substation Design and Safety. Each proposed project substation shall be shown on the approved site plan with its footprint, equipment elevations and heights, transformer and other equipment locations, access, fencing, lighting and proposed screening. Substations are Facility Components and remain subject to applicable Section 5 setbacks, Section 7 screening, Section 13 noise standards and other applicable requirements. A qualified professional shall identify transformer noise and proposed mitigation and demonstrate compliance with Section 13, including cumulative facility noise. The Applicant shall provide secure fencing and controlled access, safe electrical clearances, emergency access and shutdown information, and fire and spill prevention and response measures appropriate to the equipment and materials present. Plans shall address oil-containing equipment, containment, drainage, inspection and maintenance as applicable, and protect water resources and environmental caps. The Jay Fire Department shall have an opportunity to review emergency arrangements; applicable adopted electrical, fire and environmental requirements govern.

E. Visual Assessment of Overhead Infrastructure. For proposed project-related overhead poles, towers, lines or substations visible from an off-site residence or public road, the Applicant shall provide a visual assessment by a qualified professional identifying representative viewpoints, existing vegetation, proposed clearing, equipment dimensions, and expected year-round visibility. The Planning Board may require photo simulations or viewshed mapping when reasonably necessary to assess material visual effects. The Applicant shall evaluate practicable routing, siting, vegetation retention, screening and other mitigation consistent with electrical safety and utility clearance requirements. The Board shall make written findings and include enforceable mitigation and maintenance measures in its decision. This subsection establishes no numerical pole or tower height cap.

F. Approval, Operation and Changes. The Applicant shall demonstrate compliance with this Section before approval of the affected project facilities. Approved plans and mitigation shall be maintained during operation, and any Material Modification shall be reviewed under Section 33. No condition under this Section waives another mandatory requirement except where expressly

authorized. Independent review and reasonable costs are governed by Section 17.

Pre-adoption review: Municipal counsel and qualified electrical, utility, fire and acoustical professionals should review municipal authority, interconnection requirements, safety clearances, implementation and consistency with Sections 5, 6, 7, 13, 15, 18, 22 and 33. Section 6 continues to regulate panel and mounting-structure height; this addition sets no numerical pole-height limit.

Appendix A. Review Notes and Adoption Checklist

This appendix is informational, is not operative ordinance language, and shall be omitted from the enacted text. This is a complete revised Version 2E review draft, dated October 7, 2026; it has not been adopted or legally certified.

Recommendations incorporated. The revision adds hearings, notice, written decisions and appeals (Section 32); unused-approval expiration and modification rules (Section 33); acreage exhibits and shading-control clearing (Sections 2 and 4); measurable screening and corrected tree measurements (Section 7); noise baselines and commissioning protocols (Section 13); associated battery-storage review (Section 34); annual reporting and inspection milestones (Section 28); graduated administrative fees and project-specific escrow (Sections 16 and 17); measurable forest-restoration targets and longer monitoring (Section 25); and annual inflation and material-change adjustments to security (Section 26). Original substantive protections remain except where expressly revised. Section numbers 1 through 31 are retained to preserve existing cross-references.

Numerical standards and factual record. The thirty-acre maximum, five-Large-Scale-facility cap, general setbacks and brownfield exception remain. These numbers are proposed policy choices; the Comprehensive Plan does not prescribe them. Before enactment, prepare a public Jay-specific record addressing available land, existing facilities, likely cumulative disturbance, neighborhood effects, agricultural soils, habitats, scenic resources, emergency needs, screening and reasonable development opportunities. Include representative mapped layouts, alternatives and the reasons for selected standards. Do not represent that these studies or findings already exist. Section 4(I) does not substitute for this factual work or authorize administrative waiver.

Boundary exhibit. Verify complete tax-map identifiers and boundaries for Lots 20, 20A, 22, 22A and 22-1 against current Town records and reliable boundary information. Adopt an official exhibit distinguishing eligible previously developed industrial/brownfield land, adjoining undeveloped land, caps and restrictions. No verified exhibit is supplied by this draft. Eligibility remains unavailable without the adopted exhibit, and later expansion requires the applicable ordinance-amendment process.

Procedural and legal review. Municipal counsel shall confirm lawful ordinance classification and enactment, Comprehensive Plan status and consistency where required, authority for limits and fees, treatment of existing and vested development, appeals and finality, notice, inspections and access, security and

state coordination. Section 32 proposes a Board of Appeals route; counsel must confirm or establish the board, record-based jurisdiction, filing periods and compatibility with other Town procedures before adoption. Proposed 24-month commencement and single 12-month extension periods require review for reasonableness and consistency with applicable law. Landowner access agreements and security instruments must be enforceable and reviewed before work.

Technical review. An acoustical professional shall review baseline and measurement provisions and recommend whether absolute daytime/nighttime limits and tonal adjustments should be added. No arbitrary ceiling is supplied by this draft. Fire and electrical specialists shall review battery submissions against applicable adopted codes and project-specific hazards. A landscape professional shall review tree density, nursery sizes, establishment periods and performance viewpoints; a Maine-licensed forester shall review stocking and restoration criteria; soil and conservation professionals shall review agricultural restoration. Professionally selected forest stocking targets are required; a fixed unsupported stems-per-acre number is not supplied.

Fee findings. The proposed $500/$2,500/$10,000 application schedule and ordinary $1,000/$3,000/$5,000 escrow deposits are starting amounts for Town cost review. Document actual anticipated administrative costs and reasonable professional-review needs before enactment. Amend fee amounts through the lawful adoption process if that review warrants changes. Itemized accounting, no duplicate billing and return of unused escrow remain required.

Security review. Confirm the annual CPI mechanism, adjustment timing, instrument draw rights, cancellation notices, successor obligations and access for secured work. Apply state solar and battery-decommissioning law and avoid double credit or double contingency. Annual CPI is a transparent interim measure, not a substitute for independent estimates of technology-specific removal costs.

Comprehensive Plan connections. Version 2E identifies Jay's 2025 Comprehensive Plan pages 129-139 (scenic resources, soils, wetlands, wildlife, agriculture and forests), 178-185 (land-use flexibility, resources and former-mill redevelopment) and 190 (growth incentives, residential/resource protection and solar decommissioning). These are policy connections identified in the underlying draft, not a new independent certification of Plan consistency.

Primary authorities for review. Maine Revised Statutes, Title 35-A, chapter 34-D (solar decommissioning, sections 3491-3497) and chapter 34-E (battery storage

decommissioning); Title 30-A, section 2691 (Board of Appeals), sections 4352-4353 where applicable, and sections 4482 and 4482-B (judicial review and finality); Maine Rules of Civil Procedure, Rule 80B. Maine DEP guidance: https://www.maine.gov/dep/land/solar-decommissioning/index.html. Current statutes: https://legislature.maine.gov/statutes/. Current court rules: https://www.courts.maine.gov/rules/rules-civil.html. Maine energy-storage guidance: Maine Department of Energy Resources, Solar and Energy Storage Handbook for Maine Communities (2026). Official requirements control over this draft or guidance.