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ORDINANCE SUMMARY

[redacted]

1. Purpose

Explains why Jay needs the ordinance: to protect residents, natural resources, farmland, roads and the town's rural character, while allowing appropriately located solar development. It also aims to keep project expenses and eventual cleanup costs from falling on taxpayers.

2. Definitions

Explains important terms used throughout the ordinance. For example, "facility area" includes more than the panels - it also includes project roads, equipment, certain utility corridors and land cleared to prevent shading. It defines when separate proposals should be treated as one related development.

3. Municipal Approval Required

Requires Planning Board approval before project-related clearing, grading, road construction or equipment installation begins. Developers must also obtain all required state and federal permits and meet the conditions required before construction.

4. Facility Size Classifications and Townwide Limit

Divides commercial facilities into three sizes: small (less than half an acre), medium (half an acre to less than six acres), and large (six to thirty acres). Generally, no facility could exceed 30 acres, and Jay could have no more than five large facilities. Related projects would be counted together to prevent developers from dividing one development into smaller applications. Qualifying development entirely within the officially mapped former mill brownfield area would be exempt from these two limits.

5. Setbacks

Generally requires equipment to remain at least 200 feet from the project's exterior property lines, 300 feet from existing off-site homes, and 300 feet from public road rights-of-way. Limited adjustments could be considered for qualifying brownfield projects, but that exception could not reduce the 300-foot setback from homes.

6. Height

Limits solar panels and their mounting structures to 15 feet above finished ground level, including when panels are tilted to their highest position. This is not a pole or transmission-tower height limit.

7. Vegetated Buffers, Setback Vegetation and Screening

Generally requires a 200-foot natural vegetation buffer along the project's outside boundaries, with at least 25 qualifying trees for every 100 feet of boundary. Existing vegetation must be preserved, and additional native plantings must fill gaps. Screening must actually protect views from homes and roads, be maintained and have failed plantings replaced.

8. Grading, Topsoil and Vegetation Management

Requires developers to minimize reshaping the land and protect topsoil for later restoration. It restricts herbicide and pesticide use and requires careful handling of hazardous materials. Developers must identify valuable agricultural soils, consider less damaging layouts and protect the land's ability to support future farming.

9. Natural Resources and Forest Clearing

Requires identification and protection of wetlands, waterways, wildlife habitat, deer wintering areas and other sensitive resources. Clearing must be minimized, wildlife connections preserved where practical, and steep slopes carefully evaluated. It specifically requires attention to water quality where a site drains toward Parker Pond.

10. Fencing and Wildlife Passage

Requires security fencing at least eight feet high, locked gates and warning signs. Generally, a six-inch opening beneath the fence must allow small wildlife through, unless safety requirements prevent it.

11. Access and Emergency Response

Requires adequate emergency access, including at least one 20-foot-wide, all-weather access road connecting to a public road. Developers must prepare an emergency plan covering fires, electrical shutdowns, batteries and other hazards, coordinated with local responders.

12. Glare and Lighting

Requires projects to minimize unreasonable reflected sunlight affecting neighbors and roads. Outdoor lighting is limited to necessary purposes and must minimize light spilling onto surrounding properties.

13. Noise

Generally limits operating noise at the project's exterior property line to no more than 10 decibels above the existing background level. It establishes professional daytime and nighttime measurements, testing and corrective measures when necessary.

14. Stormwater, Drainage and Erosion

Requires plans to control runoff, prevent erosion and protect drainage. Those systems must remain maintained throughout the project's operating life.

15. Visual Impact Assessment

Allows the Planning Board to require a professional study when a project could significantly affect scenic areas, public viewpoints or road corridors. The study may include photographs, maps and simulated views showing proposed screening.

16. Application Fees

Proposes nonrefundable application fees of $500 for small, $2,500 for medium, and $10,000 for large facilities. The town must review whether those amounts reasonably reflect administrative costs before adoption.

17. Independent Professional Review and Escrow

Allows Jay to hire its own engineers, attorneys and other specialists, with reasonable project-related costs paid by the applicant or operator where legally authorized. Advance deposits would cover those expenses, with itemized accounting and unused money returned.

18. Application Requirements

Lists everything developers must submit, including ownership information, acreage calculations, site plans, clearing, setbacks, equipment, environmental studies, screening, emergency procedures and removal plans. Public review copies must also be provided.

19. Construction Management and Town Roads

Requires a construction plan showing truck routes, delivery schedules, vehicle weights and expected construction duration. Jay could require documentation of road conditions and financial security to cover project-related road damage.

20. Operations and Maintenance Plan

Requires a plan for ongoing upkeep, including vegetation, drainage, fencing, roads and damaged equipment. Operators must maintain a public contact number, log complaints and generally acknowledge complaints within five business days.

21. Completeness

Requires the Planning Board to confirm that the necessary application information has been submitted before detailed review begins. A complete application does not mean the project qualifies for approval.

22. Mandatory Approval Criteria

Requires developers to prove that every applicable ordinance requirement is satisfied. The Planning Board must explain its findings in writing and cannot waive mandatory protections unless a specific ordinance provision allows it.

23. State Decommissioning Requirements

Requires compliance with applicable state rules for removing solar facilities and securing cleanup funding. Developers must provide Jay with the relevant state-approved plans and financial documents.

24. Municipal Decommissioning Requirements

Requires a detailed plan for removing equipment and addressing project-related contamination when a facility closes or is abandoned. Six months without generation and without a documented repair or restart plan can trigger an abandonment review, with notice and an opportunity to respond. Following a final determination and required notice, removal and initial restoration would generally be due within 365 days.

25. Site Restoration

Requires the land to be restored according to its documented condition and approved future use. Farmland must be capable of supporting farming again; formerly forested areas generally require professional forest restoration and monitoring. Brownfield restoration must respect existing cleanup restrictions.

26. Municipal Decommissioning Financial Assurance

Requires legally enforceable cleanup security equal to 150% of the independently estimated removal and restoration cost, where permitted by state law. Expected equipment resale value cannot reduce that amount. Estimates must be renewed every five years, with annual inflation adjustments between estimates, and security maintained until required work is accepted.

27. Transfer of Ownership or Operational Control

Makes clear that selling the project does not erase its obligations. A new owner or operator must assume applicable responsibilities and maintain uninterrupted cleanup security.

28. Continuing Compliance

Requires compliance throughout construction, operation and removal. Operators must submit annual reports by March 1, and the town can conduct lawful inspections and require professional verification.

29. Administration and Enforcement

Identifies the town official responsible for enforcement. It provides for violation notices, corrective orders and legally available remedies, including court action, penalties and recovery of certain enforcement expenses.

30. Severability

Provides that if a court invalidates one part of the ordinance, the remaining provisions can continue in effect to the extent allowed by law.

31. Effective Date and Existing Development

Makes the ordinance effective upon lawful adoption and addresses existing facilities and legally protected development rights. Existing lawful operating facilities would not automatically have to be rebuilt, but later expansions or major changes could require review. Simply having a lease, design or proposed project would not automatically create an exemption.

32. Public Hearings, Decisions and Municipal Record

Requires public hearings, generally with at least 14 days' notice, accessible application materials and opportunities for public comment. Decisions must explain the Board's reasoning in writing. It also proposes an appeals process that must be reconciled with Jay's actual municipal procedures before adoption.

33. Approval Duration, Extensions and Amendments

Generally makes an unused approval expire if substantial authorized construction has not begun within 24 months. One extension of up to 12 months could be granted after review and a hearing. Expansions and significant changes require amended approval before work begins.

34. Associated Battery Energy Storage

Requires specific review of batteries associated with a solar project, including fire, explosion, chemical-release and emergency-response risks. It requires safety planning, Fire Department review and removal funding. Solar approval alone would not authorize adding batteries later.

35. Project Electrical Infrastructure and Substations

Requires detailed plans showing project power lines, poles, towers, connections and substations. Project-owned wiring within the site generally must be underground unless a justified exception is approved. Substations must meet applicable noise, setback, screening and safety requirements, and visible overhead infrastructure requires visual review. This section sets no numerical pole or tower height cap.

Appendix A - Review Notes and Adoption Checklist

Identifies work needed before adoption, including legal and technical review, justification for numerical limits, verification of brownfield boundaries and review of fees and financial security. It is an informational checklist and would be omitted from the enacted ordinance.