from Senator Joe Martin

With the moratorium passed, the town has until about early May to get a permanent ordinance on the ballot. That's tight but doable if the Planning Board starts now.

1. Decommissioning and the bond

- Require a decommissioning bond (or letter of credit or cash escrow) with the Town of Jay named as the party that can draw on it, posted before a building permit is issued. The state already requires financial assurance through DEP, but the state holds it and only re-checks the amount at year 15. The town needs its own claim on the money and a re-estimate every 5 years from day one.
- The amount should be the full cost of removal and restoration, estimated by a Maine-licensed engineer the town approves, plus a 25% contingency. No credit for salvage or "residual value" of panels. Recycling panels costs money; it doesn't pay for itself, and salvage prices 30 years out are a guess.
- Accept only a surety bond from a highly rated insurer, a bank letter of credit, or cash. Do not accept a parent-company guarantee. Perennial Jay Solar LLC is a single-purpose company; if the project fails, a guarantee from a related company may be worth nothing.
- Define abandonment plainly: 12 months without producing power. After that, the owner has a short window to restart or start removal, and if it doesn't, the town can go in and use the bond.
- Removal means everything: panels, racking, the steel piles (pulled, not cut off at the ground), inverters, fencing, and buried cable down to a set depth. The land goes back to the soil and drainage condition documented before construction.
- If the project is sold, the new owner has to post its own bond before the old one is released, and the town gets advance written notice. Projects like this are often sold after they're built. Town should have consent rights to any sale.

2. Pre-construction surveys (developer pays, town picks the firm)

- Roads: video and condition survey of every haul route before construction, a road use agreement with its own bond, and repair to equal-or-better condition afterward.
- Wells: water quality and yield testing for neighboring wells within 1,000 feet of the work area, before and after construction. If a well is damaged, the developer provides replacement water and fixes it. Pile driving and site grading can affect shallow wells.
- Homes and foundations: a documented condition survey of structures near pile driving, with vibration monitoring during construction, so damage claims aren't one person's word against a company's.
- Soils and drainage: a baseline of existing soils and how water moves across the site. This becomes the standard the land has to be restored to at the end.

- Sound: a baseline measurement of existing background noise at the nearest homes, so there's something to compare against later.

3. Setbacks

- Distances measured from the property line of non-participating neighbors (people not leasing land to the project), not just from their houses. Starting positions: 100 feet from property lines, 300 feet from homes, and 500 feet from homes for inverters, transformers and any battery equipment, since those make the noise and carry the fire risk.
- 100 feet from public roads, with larger buffers from lakes, streams, wetlands and wells.
- A neighbor can agree to a smaller setback, but only in a signed agreement recorded at the registry of deeds, so it binds future owners and can't be a handshake.

4. Visual screening

- Keep existing woods within the setbacks. Where there's no tree cover, require two staggered rows of evergreens at least 6 feet tall at planting, enough to substantially hide the panels from homes and roads within a few years.
- The developer has to replace dead plantings for the life of the project, not just the first year.
- A visual impact study from public roads and places people care about (Jay Hill specifically), with photo simulations, as part of the application.
- A height cap on panels (15 feet), a glare study for nearby homes and roads

5. Sound

- A sound study by a qualified acoustical engineer before approval, modeling noise at every neighboring property line.
- Hard limits at the property line of non-participating neighbors: 55 dBA daytime, 45 dBA at night, with a penalty for tonal hums, which is what inverters and transformers produce. Those match the numbers DEP uses for quiet rural areas, but the town should apply them at the property line rather than at the house.
- Post-construction sound testing within 90 days of startup, and again on any credible complaint, at the developer's expense. Pile driving limited to weekday daytime hours.

6. If they add battery storage

- Treat batteries separately and more strictly: national fire code compliance (NFPA 855), large-scale fire test data, a written emergency response plan worked out with the Jay Fire Department, annual training, and the developer paying for any special

equipment the department needs. Separate decommissioning bond for the batteries.

7. Protections for the process itself

- The developer funds an escrow account so Jay can hire its own engineer, sound expert and attorney to review the application. A town without planning staff otherwise ends up relying on the developer's consultants.
- The ordinance should say it applies to any project not finally approved before the moratorium took effect, so nothing slips in on old rules. The town attorney needs to confirm the wording on this.
- Annual reports to the town, a named 24/7 contact, a written complaint process with response deadlines, liability insurance naming the town, and an obligation to defend and cover the town if it's sued over the project.
- Inverters on these projects often get replaced partway through the project's life. Require that replaced and broken equipment leave Jay within 90 days so the sites don't become storage yards, and that any repowering triggers an updated bond estimate.

8. Things to get in the TIF or a host agreement, not the ordinance

- Payments to the town, any protection for neighboring property values, and local hiring commitments. These generally have to be negotiated rather than required by ordinance.
- Push back on the jobs number. Walden told residents the project could have 80 to 100 permanent employees. From what has been normal for running these sites, utility-scale solar needs about one technician per 50 to 100 MW, so a 150 MW project means 2 or 3 permanent jobs. Construction jobs are real but they last about a year.