PETITION OF THE VOTERS OF JAY, MAINE

REQUEST FOR A 180-DAY MORATORIUM ON NEW COMMERCIAL GROUND-MOUNTED SOLAR ENERGY FACILITIES

To the Select Board and Municipal Officers of the Town of Jay, Maine:

We, the undersigned registered voters of the Town of Jay, Maine, respectfully petition the municipal officers to place the following article before the voters of Jay at a Town Meeting or Special Town Meeting, pursuant to applicable provisions of Title 30-A of the Maine Revised Statutes, including 30-A M.R.S. §§ 2522 and 4356.

ARTICLE:

Shall the Town of Jay adopt a 180-day moratorium, pursuant to 30-A M.R.S. § 4356, on the acceptance, processing, approval, issuance, or commencement of new commercial ground-mounted solar energy facilities within the Town of Jay, while the Town reviews and considers its comprehensive plan, land-use ordinances, permitting standards, siting requirements, environmental safeguards, decommissioning requirements, financial-assurance requirements, and other applicable municipal regulations concerning such facilities?

MORATORIUM PROVISIONS

If approved by the voters, the moratorium shall provide as follows:

1. Duration.
The moratorium shall remain in effect for a period of **180 days**, beginning on the effective date established by the Town.

2. Applicability.
During the moratorium, the Town shall not accept, process, approve, or issue any municipal permit, approval, license, or other municipal authorization required for a **new commercial ground-mounted solar energy facility**, nor shall construction or site preparation for such a facility commence pursuant to a municipal approval issued after the effective date of this moratorium.

For purposes of this moratorium, a "commercial ground-mounted solar energy

facility" means a solar photovoltaic energy-generation facility located primarily on land and mounted on structures supported by the ground, where the facility is intended primarily to generate electricity for sale, resale, commercial use, or compensation, rather than solely for on-site residential or agricultural use.

3. Existing projects.
This moratorium shall not invalidate or prohibit work lawfully commenced pursuant to a valid municipal permit issued before the effective date of the moratorium, except to the extent otherwise permitted by law.

4. Purpose of the moratorium.
The purpose of the moratorium is to provide the Town with a defined period in which to determine whether its existing comprehensive plan, land-use ordinances, regulations, permitting procedures, and other applicable municipal requirements adequately address the potential impacts of commercial ground-mounted solar energy facilities.

During the moratorium, the Town should review, as applicable:

- appropriate locations and siting standards for commercial solar facilities;
- setbacks from property lines, residences, roads, public ways, and other sensitive areas;
- visual and scenic impacts;
- impacts on forests, wildlife habitat, wetlands, water resources, agricultural land, and other natural resources;
- stormwater management, erosion, drainage, and soil disturbance;
- construction traffic and impacts on local roads and infrastructure;
- noise, lighting, fencing, security, and related impacts;
- fire safety and emergency access;
- electrical infrastructure and transmission-related considerations;
- impacts associated with clearing and fragmentation of large tracts of land;
- decommissioning and removal of solar equipment at the end of a facility's useful life;
- financial assurance or other mechanisms to ensure adequate funding for decommissioning;
- disposal and recycling of solar panels and other equipment;
- restoration of the site following decommissioning;
- potential impacts on neighboring property owners and the broader community;
- consistency with the Town's comprehensive plan; and
- whether additional or amended municipal standards are necessary to prevent serious public harm.

5. Statutory necessity.
The voters find and determine that a temporary moratorium is necessary because the application of existing comprehensive plans, land-use ordinances, regulations, and other applicable laws may be inadequate to prevent serious public harm from commercial development involving new ground-mounted solar energy facilities unless the Town has an opportunity to review and, if appropriate, amend those provisions.

The moratorium is intended to provide the Town with sufficient time to undertake that review in an orderly manner and to consider appropriate amendments or additional standards before additional new commercial ground-mounted solar energy facilities are permitted.

6. Review during moratorium.
During the 180-day moratorium, the Select Board, Planning Board, Code

Enforcement Officer, and other appropriate municipal officials, committees, boards, and consultants shall be authorized to review existing municipal requirements and make recommendations concerning appropriate standards for commercial ground-mounted solar energy facilities.

7. No determination regarding any particular project.
This moratorium shall apply generally to new commercial ground-mounted solar energy facilities and shall not constitute an approval or denial of any particular proposed project.

8. Severability.
If any provision of this moratorium is determined to be invalid or unenforceable, that determination shall not affect the validity or enforceability of the remaining provisions to the extent permitted by law.

9. Authority.
This moratorium is intended to be adopted pursuant to the authority granted to municipalities under applicable Maine law, including 30-A M.R.S. § 4356.