

# **An Ordinance Amending the Zoning Ordinance of the Town of Turner, Maine, Relating to Solar Farms**

## **SECTION 3 District Purposes, District Uses and Space and Bulk Standards of Districts, Use Table:**

### **H. District Uses**

<b>Use</b>	<b>Agriculture/ Industrial</b>	<b>Commercial I</b>	<b>Commercial II</b>	<b>Village</b>	<b>General Residential I</b>	<b>General Residential II</b>
<b>Solar Energy System, Accessory</b>	CEO	CEO	CEO	CEO	CEO	CEO
<b>Solar Farm, Small</b>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	No	No	No
<b>Solar Farm, Large</b>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	No	No	No

<b>Use</b>	<b>Rural I</b>	<b>Rural II</b>	<b>Shoreland</b>	<b>Resource Protection</b>
<b>Solar Energy System, Accessory</b>	CEO	CEO	CEO	No
<b>Solar Farm, Small</b>	PB <sup>2</sup>	PB <sup>2</sup>	No	No
<b>Solar Farm, Large</b>	PB <sup>2</sup>	PB <sup>2</sup>	No	No

## **SECTION 4 Performance Standards**

### **EE. Solar Energy Systems and Solar Farms**

1. Standards for Solar Energy Systems, Accessory
  - a. Unless prohibited in Section 3.H., District Uses, Solar Energy Systems, Accessory shall conform to the standards for Accessory Structures of the applicable district.
2. Standards for Solar Farms, Small and Solar Farms, Large, effective December 22, 2022.
  - a. Site Plan Review. Small Solar Farms and Large Solar Farms are subject to Site Plan Review by the Turner Planning Board.
  - b. In addition to the site plan review application requirements identified in Section 5D, the Applicant shall submit the following supporting materials:
    - i. Cover letter describing the project, with details on the size and location of the proposed system and subject property.

- ii. Name of the owner and operator of the facility, and the names of the owner of the property.
  - iii. A written lease agreement to demonstrate the owner has right, title, and interest in the property.
  - iv. Solar system specifications, including dimensions and number of panels, mounting, estimated power generation, and facility size.
  - v. Documentation that the solar farm complies with applicable state and federal laws and rules. Include copies of applications and permits submitted to state regulatory agencies.
  - vi. Certification that the solar farm is compliant with all applicable industry standards, including National Electrical Code and fire and life safety codes.
  - vii. A plan, including location of proposed system, any, fencing, screening, access roads and turnout locations, substations(s), accessory equipment to the system, overhead utility lines, and all electrical cabling from the system to other structures, substations, or utility grid connections.
  - viii. A visual impact assessment, in accordance Performance Standards in Section d.iii, below.
  - ix. A maintenance and operations plan to include regular operation and maintenance of the facility, revegetation monitoring, rehabilitation of disturbed soils, invasive plant removal, the frequency and method of vegetation management, and the frequency and scope of regular inspections.
  - x. An emergency action plan approved by the Turner Fire Chief or designee.
  - xi. A decommissioning plan that includes restoration measures to stabilize the site and mitigate erosion issues, above-ground structure removal and disposal, below grade equipment, regrading, drainage structure repair, access roads, restorative work on adjacent lands, revegetation, property owner notification, and a timeline for the process and an engineer’s cost estimate for decommissioning the system.
  - xii. A solar glare analysis prepared by a professional with relevant experience.
- c. Dimensional Standards.
- i. Height. The maximum height of Solar Farm structures is 35 feet. For solar panels, height shall be measured at maximum tilt.
  - ii. Setbacks. Solar farms shall be subject to minimum front, side, and rear setbacks as noted below. Minimum setbacks shall not be applicable to internal property lot lines within a solar farm located on contiguous lots under the common control of one developer by virtue of ownership, lease, or easement.

	Agriculture/ Industrial	Commercial I	Commercial II	Rural I	Rural II
Setback from all property lines (Front,	50 feet	100 feet	100 feet	150 feet	150 feet

Side, and Rear)					
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iii. At least a portion of the setback is subject to the Buffer Area standards in Section d.ii., below.

d. Performance Standards for Small Solar Farms and Large Solar Farms

i. Siting.

1. Preference should be given to locating the Solar Farm on previously developed, degraded, or marginally productive portions of the property.
2. Solar Farms should be sited to minimize or negate any solar glare onto nearby properties or roadways, without unduly affecting the functionality or efficiency of the solar energy conversion system.

ii. Buffer Area.

1. A vegetated buffer area of fifty (50) feet must be provided around the Solar Farm to provide screening to soften and naturalize the visual impact of all Solar Farms.
2. This vegetated buffer may consist of undisturbed woods and shrubby vegetation. In areas where existing vegetation is not adequate for screening purposes, the Planning Board may require plantings of native trees.
  - a. Along any portions of the Solar Farm that abut pasture or meadow conditions, the applicant must plant at minimum a staggered double row of evergreen trees for a visual buffer.
3. Access drives may cross the buffer area, but parking areas or internal access drives may not be located within this area.

iii. Visual Impact Assessment

1. The visual impact assessment must be prepared by a Maine licensed landscape architect or other professional with relevant experience.
2. The visual impact assessment shall include:
  - a. visual description of the project covering all elements visible from public viewpoints,
  - b. identification and characterization of publicly accessible scenic resources near or potentially impacted by the proposed project,
  - c. determination of the type and extent of any impact on the identified scenic resources as identified in the Turner Comprehensive Plan, and
  - d. proposed mitigation measures such as buffers and screening to minimize potential visual impacts from the project.

iv. Land Clearing.

1. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted Solar Farms or as otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.
2. Removal of mature trees shall be avoided to the extent possible.

3. No prime Farmland soil or topsoil shall be removed from the site for installation of the system.
  4. Native, pollinator-friendly seed mixtures shall be used to revegetate cleared areas following construction and installation of the system.
- v. Protection of Natural Resources.
1. If any portion of the Small Solar Farm or Large Solar Farm lies within an area identified by the Maine Natural Areas Program (MNAP) as containing rare or exemplary natural communities, including any critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant shall demonstrate that the proposal will cause no or minimal impact to any such identified resources. The plan shall provide for protection of the identified resources in a manner acceptable to MNAP or in accordance with the recommendations of a biologist with demonstrated experience with the identified resources.
  2. If any portion of the Small Solar Farm or Large Solar Farm lies within an area identified and mapped by the Maine Department of Inland Fisheries and Wildlife (MDIFW) as containing rare, endangered, threatened, and special concerned species; designated essential and significant wildlife habitat; or fisheries habitat concern, the applicant shall demonstrate that the proposal will cause no or minimal impact to any such identified resources. The plan shall provide for protection of the identified resources in a manner acceptable to MDIFW or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the identified resources.
  3. If Planning Board identifies the proposed site of the Small Solar Farm or Large Solar Farm as containing locally significant habitat or natural resources not otherwise identified by MNAP or MDIFW, the Board may require the applicant to provide a plan with the recommendations of a biologist or other qualified professional to minimize the impact on the identified habitat or natural resources.
- vi. Vegetation Management.
1. Vegetation growth will be maintained under and around the installation at levels needed to reduce the risk of ignition from the electrical system while minimizing mowing to the extent practicable.
  2. Herbicide and pesticide application is prohibited.
- vii. Ownership changes. If the applicant sells the project to another party before development or operation the new owner must be reviewed by the Town Manager for financial and technical capacity before the new owner can begin development of the project.

## **SECTION 8 Definitions**

**Solar Energy System, Accessory:** Solar Energy System that may be roof or ground-mounted, generating power for on-site consumption or to offset electrical use for on-site accounts for a principal use or structure. A solar energy system shall be considered accessory to the principal use when it is incidental and subordinate to the principal use or structure and located on the same lot.

**Solar Farm, Small (Small Solar Farm):** Solar Energy System, roof or ground-mounted Photovoltaic Array, which generates electricity for off-site accounts and has an array area (including panel area and inter-panel space) smaller than 20 acres.

**Solar Farm, Large (Large Solar Farm):** A Solar Energy System, roof or ground mounted Photovoltaic Array, which generates electricity for off-site accounts, and has an array area (including panel area and inter-panel space) of 20 acres or more.