



O24-25-03
TOWN OF HERMON

Hermon Solar Energy Ordinance

1. TITLE

This Ordinance shall be known and may be cited as the "Hermon Solar Energy Systems Ordinance" and will be referred to herein as the "Ordinance".

2. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution and Maine Revised Statutes, Title 30-A.

3. PURPOSE

This section regulates the development and installation of solar energy systems in the Town of Hermon. This Ordinance is intended to balance the interests of the residents of the Town of Hermon and the users and installers of all solar energy systems by providing standards for the siting, design, construction, operation, monitoring, modification, decommissioning of such systems, and to address public safety. These standards are also intended:

- 3.1 To minimize the adverse impacts of solar energy systems on surrounding land use, including but not limited to visual impacts, environmental impacts, impacts to historically significant areas, health safety impacts, and property value impacts.
- 3.2 To allow the Town of Hermon to protect public health, safety, and welfare.
- 3.3 To support the goals and policies of the Town's Comprehensive Plan.
- 3.4 To provide for the decommissioning and removal of solar panels and associated equipment which are no longer being used for energy generation and transmission purposes.

4. DEFINITIONS

- 4.1 **“Solar Energy System” (SES)** A solar photovoltaic cell, module, or array, or solar hot air or water collector device, including all Solar Related Equipment, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat. The physical size of an SES includes all cleared land, solar panels with ground mounting systems, fencing, transformer and electrical equipment pad(s), solar energy storage systems, light and power poles, access road(s) beyond property setback area and any other cleared area necessary to support the solar installation. Cleared areas for staging the installation will not be included in the solar energy project’s maximum size limitation as long as they are returned to their natural pre-installation state.
- 4.2 **“Solar Energy System, Ground-Mounted”** A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.
- 4.3 **“Solar Energy System, Roof-Mounted”** A Solar Energy System that is mounted on the roof of a building or structure.
- 4.4 **“Solar Energy System, Wall-Mounted”** A Solar Energy System that is mounted on the wall or side of a building or structure.
- 4.5 **“Personal Scale Solar Energy System – Major” (PSSES-Major)** Solar Energy Systems with an array greater than 1200 square feet and less than 21,780 square feet (0.5 acres) on any one lot, are accessory to the principal use on the parcel, consist of one or more ground, roof, or wall mounted systems, and are intended to primarily reduce onsite consumption of utility power or fuels on the parcel in which they sit and on immediately adjacent lots. The sale and/or distribution of excess energy to a public utility for distribution shall be incidental to any PSSES and shall not be its primary purpose.
- 4.6 **“Personal Scale Solar Energy System – Minor” (PSSES-Minor)** Solar Energy Systems with an array less than or equal to 1200 square feet on any one lot, are accessory to the principal use on the parcel, consist of one or more ground, roof, or wall mounted systems, and are intended to primarily reduce onsite consumption of utility power or fuels on the parcel in which they sit and on immediately adjacent lots. The sale and/or distribution of excess energy to a public utility for distribution shall be incidental to any PSSES and shall not be its primary purpose.

- 4.7 “Kilowatt” (kW) A unit for measuring power that is equivalent to 1,000 watts. Megawatt (MW): a unit for measuring power that is equivalent to one million watts, or 1,000 kilowatts.
- 4.8 “Megawatt Hour” (MWh) A megawatt hour is equal to 1,000 Kilowatt hours (Kwh). It is equal to 1,000 kilowatts of electricity used continuously for one hour.
- 4.9 “Rated Nameplate Capacity” The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).
- 4.10 “Solar Energy” Radiant energy (direct, diffuse and/or reflective) received from the sun.
- 4.11 “Solar Array” A grouping of multiple solar modules with the purpose of harvesting solar energy.
- 4.12 “Solar Farm” See Solar Energy System.
- 4.13 “Solar Related Equipment” Items including but not limited to, a solar photovoltaic cell, module, or array, solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, fencing, foundations, or other structures used or intended to be used for collection and management of solar energy.
- 4.14 “Pure Tone” The simplest periodic sound, a constant sound created as a pressure disturbance that fluctuates sinusoidally as a fixed frequency.

5. APPLICATION

- 5.1 The provisions of this Ordinance shall apply to Solar Energy Systems as defined by this Ordinance and by Title 28-A, MRSA, Section 1421,1423, within the boundaries of the Town of Hermon.
- 5.2 The requirements of this Ordinance shall apply to all Roof Mounted, Wall Mounted, and Ground Mounted SES’s, whether Minor or Major, installed after, September 12, 2024
- 5.3 Solar Energy Systems with an array in physical size greater than 21,780 square feet (0.5 acres) are prohibited.
- 5.4 All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable local, state, and federal codes, regulations, and standards including but not limited to Section 11.10, and Section 11.12 of the Fire Code, NFPA 70, and EPA Tier II reporting.

- 5.5 Any modification, upgrade, or structural change that materially alters the size, placement or output of an existing Solar Energy System shall comply with this Ordinance.

6. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rule, regulation, Ordinance, deed restriction, or covenant, the more restrictive or higher standard covenant shall govern, unless otherwise prohibited by State Law.

7. SEVERABILITY

If any section, subsection, or provision of this Ordinance shall be declared by any court or competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

8. AMENDMENTS

- 8.1 Initiation - An amendment to this Ordinance may be initiated by an individual through one of the following:
- 8.1.1 The Planning Board provided a majority of the board has so voted.
 - 8.1.2 Request of the Hermon Town Council to the Planning Board.
 - 8.1.3 Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election, in accordance with 30-A MRSA § 2522 or 2528.
- 8.2 Hearings - All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board shall hold a public hearing at least 30 days before submitting any proposed amendment and shall make a written recommendation to the Hermon Town Council within 30 days from the public hearing.
- 8.3 Majority Vote - After receiving the recommendation of the Planning Board, the amendment may be adopted or rejected by majority vote of the Hermon Town Council after convening for a public hearing.

9. EFFECTIVE DATE

This Ordinance, when adopted, and any amendments thereto, shall be effective immediately following its/their adoption or approval by the Hermon Town Council. A copy of this Ordinance, certified by the Hermon Town Clerk shall be filed with the Hermon Town Clerk.

10. SCHEDULE OF USES

10.1 District symbols.

- AF – Agriculture/Forestry
- RA - Residential A District
- RB - Residential B District
- RC - Residential C District
- C - Commercial District
- VC - Village Commercial
- I - Industrial District

10.2 Permit Required Symbols

Y- Uses allowed without a permit.

P - Uses requiring a building permit or other type of permit from the Code Enforcement Officer. All “class 1”, as defined in the Town of Hermon Land Use Ordinance, require site plan review approval from the Code Enforcement Officer.

S - Use requiring site plan review approval from the Planning Board in accordance with the requirements of §§ 154.065 through 154.096, using the procedures found in §§ 154.180 through 154.190. (d)

N - Not permitted.

Type	AF	RA	RB	RC	VC	C	I
PSSSES – Minor Roof Mounted	Y	Y	Y	Y	Y	Y	Y
PSSSES – Minor Wall Mounted	N	N	N	N	N	Y	Y
PSSSES – MINOR Ground	P	P	P	P	P	P	P
PSSSES – MAJOR Roof Mounted	S	N	N	N	S	S	S
PSSSES – MAJOR Wall Mounted	N	N	N	N	N	N	S
PSSSES – MAJOR Ground	S	N	N	N	N	N	S

11. STANDARDS FOR ALL SOLAR ENERGY SYSTEMS

- 11.1 Glare – All SES shall be placed such that concentrated solar radiation or glare does not project anywhere off site.
- 11.2 Noise – All noise produced by any SES shall be less than 10 decibels (dB) above preconstruction / existing background levels, as measured from any street where the parcel has frontage, and any parcel abutting the installation site.
- 11.3 Maximum Height – All SES mounted on buildings shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.
- 11.4 Setbacks – All SES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- 11.5 Visual Impacts – When a proposed development is located in an area that is visible from a public street, road, water body, or facility, the development must be designed so that it fits harmoniously into the visual environment when viewed by the public from public areas. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed environments, the appearance of the new development, when viewed by the public from public areas, must be compatible with the existing visual character in terms of scale, massing and height to the maximum extent possible.
- 11.6 Shadows and Obstructions – The issuance of a permit under this Ordinance does not create in the property owner, its, his, her or their successors and assigns in title, or create in the property itself the right to remain free of shadows and/or obstructions to solar energy caused by development or growth of any trees or vegetation on other properties.
- 11.7 Maintenance – SES must be properly maintained and be kept free from all hazards, including but not limited to faulty wiring, loose fastenings, or other conditions that are deemed unsafe and detrimental to public health or general welfare. In the event failure of property owner to maintain the SES in good working order will constitute grounds for appropriate enforcement actions pursuant to Section 11.11 of this Ordinance. Enforcement may include but is not limited to orders for decommissioning and removal of the SES.

11.8 Decommissioning and Abandonment.

11.8.1 In addition to any state laws related to the decommissioning of solar energy systems, the following provisions apply to all solar energy systems constructed in Hermon. Solar energy systems that have reached the end of their useful life, that has been abandoned, or that has been damaged and will not be repaired or replaced consistent with this Ordinance shall be decommissioned and the parcel restored to its condition prior to development of the solar energy system. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notice the Town of Hermon Planning Department of the proposed date of discontinued operations and plans for removal. The Town of Hermon is not responsible for disposal or cost of disposal of solar energy panels or any aspect of a solar energy system.

Decommissioning shall, at a minimum, consist of:

- 11.8.2 Physical removal of all aspects of the solar energy systems, structures, equipment, security barriers, transmission lines, and foundations to a depth of at least three feet from the site.
- 11.8.3 Disposal of all solid and hazardous waste in accordance with local state and federal waste disposal regulations.
- 11.8.4 Restore the land to a condition reasonably similar to its condition before the solar energy system development, including replacement of topsoil removed or eroded.
- 11.8.5 Stabilization or re-vegetation of the site to minimize erosion. Native, pollinator- friendly seed mixtures shall be used to the maximum extent possible.

11.8.6 Abandonment

11.8.6.1 Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, all solar energy system shall be considered abandoned when it ceases to produce energy on a continuous basis for 150 days.

11.8.6.2 If the owner or operator of the solar energy system fails to remove the installation within 150 days of abandonment or the proposed date of decommissioning, the Town of Hermon or the obligee retains the right to use all available means to cause an abandoned, hazardous, or decommissioned solar energy system to be removed.

11.9 Failure to Decommission - If the owner or operator of the solar energy system fails to remove the installation within 150 days of abandonment or the proposed date of decommissioning, the Town of Hermon or the obligee retains the right to use all available means to cause an abandoned.

12. ROOF/WALL PERSONAL SCALE SOLAR ENERGY SYSTEM

In addition to meeting all SES requirements stated in Section 11, Roof/Wall PSSSES shall meet the following conditions:

12.1 Collateral Load - The owner shall provide evidence certified by an appropriately licensed professional that the roof/wall can support the collateral load of the SES.

12.2 Access – a minimum three (3) foot buffer zone is required from the ridge and one (1) foot buffer zone from the edge of the roof or parapet.

13. GROUND MOUNTED SOLAR ENERGY SYSTEM

In addition to meeting all SES requirements all stated in Section 11, Ground Mounted PSSSES shall meet the following conditions:

13.1 Minimum Height – The minimum ground clearance height of ground mounted SES solar panels shall be four (4) feet from ground to, regardless of the mounted angle of any solar panels, lowest point of panel.

- 13.2 The Surface Area - The surface area of the arrays of a ground mounted SES, regardless of the mounted angle of any solar panels, shall be considered impervious and included in the lot coverage calculation for the parcel on which it is located.

The area beneath the ground mounted SES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable zoning district.

- 13.3 Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the PSSSES-Major shall be locked to prevent unauthorized access or entry.

- 13.4 Placement – Ground-Mounted SES shall not be constructed or installed within any

13.4.1 legal easement;

13.4.2 right-of-way location or be placed;

13.4.3 within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system;

13.4.4 within any Resource Protection, Stream Protection, Shoreland Limited Residential, or Aquifer Protections Overlay Districts.

14. PERSONAL SCALE SOLAR ENERGY SYSTEM - MAJOR

- 14.1 All on-site, utility, collector, or transmission lines connected to a PSSSES- Major shall be placed underground.
- 14.2 No portion of the PSSSES-Major shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSSSES-Major, provided they comply with the prevailing sign regulations.

15. APPLICATION PROCESS AND FEES

- 15.1 PSSES-Minor Approval Process - Any building permit issued for a PSSES-MINOR shall be approved by the Code Enforcement Officer in consultation with the Fire Chief. Prior to approval, the Code Enforcement Officer in consultation with the Fire Chief shall determine that any roof or wall mounted PSSES- Major does not present any unreasonable safety risk to a structure, including but not limited to weight load, wind resistance, and emergency ingress and egress.
- 15.2 PSSES-Minor Application Fee - the application fee for PSSES- Minor shall be the standard building permit fee for an accessory structure.
- 15.3 PSSES-Major Approval Process - Any building permit issued for a PSSES-Major shall be approved by the Planning Board in consultation with the Code Enforcement Officer and the Fire Chief.
 - 15.3.1 Permit - PSSES-Major shall require a building permit.
 - 15.3.2 Zoning and/or building permit application(s) shall document compliance with this Ordinance and any applicable land use requirements not otherwise covered in this Ordinance. Furthermore, zoning and/or building permit application(s) shall be accompanied by drawings showing the location of the system on the building or property, including relative location to property lines. Permits must be kept on the premises where the PSSES-Major is constructed.
 - 15.3.3 Any application filed with the Code Enforcement Officer to construct a PSSES- Major that intends to connect to the power grid shall be accompanied by the written confirmation that the utility company whose grid to which it will connect has been notified of the intent to connect. Furthermore, any application shall be accompanied by the approval or conditional approval by said utility company of the connection.
 - 15.3.4 The zoning and/or building permit(s) shall be void if the PSSES-Major, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces in a manner which causes the PSSES-Major not to be in conformity with this Ordinance.
- 15.4 PSSES-Minor Application Fee - the application fee for PSSES-Minor shall be \$500.

16. VIOLATIONS AND ENFORCEMENT

Any construction of buildings or structures, and any use of land, buildings, or structures except in conformance with the provisions of this Ordinance shall be deemed a violation of this Ordinance and a nuisance.

16.1 Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

16.2 Legal Actions

When the above does not result in the correction or abatement of the violation or nuisance condition, the Town Council, upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

16.3 Penalties

Any person or persons who violate any provision(s) of this Ordinance or any permit issued under the provisions of this Ordinance, shall be subject to civil penalties in accordance with the provisions of Title 30-A MRSA § 4452.

16.4 Contractor Liability

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this Ordinance.

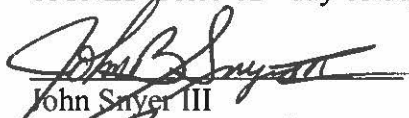
16.5 Appeals

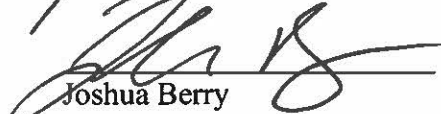
The Board of Appeals shall hear appeals from final decisions of the Code Enforcement Officer and or Planning Board on decisions to grant or deny permits or approvals pursuant to this Ordinance in accordance with the Town's Board of Appeals Ordinance. Appeals shall be filed within 30 days of the Code Enforcement Officer or Planning Board's official, written decision on the application.

17. ADOPTIONS

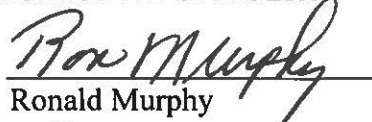
Adopted by Town Council Meeting September 12, 2024

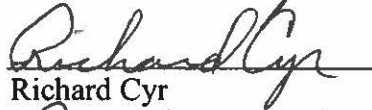
SIGNED THIS 12th day of September 2024, BY THE MUNICIPAL OFFICERS:

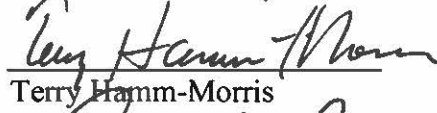

John Snyder III


Joshua Berry


Christopher Gray


Ronald Murphy


Richard Cyr


Terry Hamm-Morris


Derek Wood

Attest Original: Kristen Cushman

Motion: <u>Murphy</u>	Yeas: <u>7</u>	
Second: <u>Wood</u>	Nays: <u>0</u>	Date: <u>9/12/24</u>