

**An Ordinance to Amend the Town of Bowdoinham Land Use Ordinance to regulate solar energy system development.**

**NOTE: Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.**

**The Town of Bowdoinham hereby ordains and enacts “An Ordinance to Amend the Town of Bowdoinham Land Use Ordinance to regulate solar energy system development”**

**Part 1:** ARTICLE 2: DEFINITIONS is hereby amended as follows:

Project Area: All area that will have a structure, fence, or impervious surface installed on it, or utilities installed over or under it.

Solar Energy System – Large: A structural feature and associated development, occupying more than 3,000 square feet of project area, constructed for the purpose of converting sunlight into electrical energy.

Solar Energy System – Small: A structural feature and associated development where solar collectors are roof mounted or are not occupying more than 3,000 square feet of project area, constructed for the purpose of converting sunlight into electrical energy.

Structure - Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, solar energy systems, and satellite dishes. For floodplain management purposes, a gas or liquid storage tank that is principally above ground is also a structure. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30- A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8. For floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

**Part 2.** ARTICLE 4: PERFORMANCE STANDARDS is hereby amended as follows:

**K) Solar Energy Systems**

- 1) Visual Impacts - When a proposed development is visible from a public street, road, water body, or facility, the plan shall incorporate vegetation as a visual screen that must provide year-round screening to minimize the visual intrusion of the development. Screening must be a minimum width of 10 feet. If less than 25 feet wide, the screening must be comprised largely or entirely of evergreen trees and/or shrubs, which must be a minimum of 4 feet high and average of at least 6 feet high at planting, with at least two rows of planting at off-set spacing to fill in the gaps between plants in a single row. If the vegetated screen is at least 25 feet wide, it may be a mix of evergreen and deciduous trees and/or shrubs. Larger trees may be required for screening of larger projects with structures that differ significantly from those on adjacent properties, or that produce significant visual impacts.
- 2) Utility Connections – Utilities shall be installed underground in order to minimize the

visual impact of the solar energy system. Electrical transformers and other components directly related to utility interconnection may be aboveground if required by the utility provider. Aboveground utility connections may be approved by the Planning Board if they will not have an undue visual impact due to the setting of the solar energy system, or if there are natural or physical constraints to the site that require aboveground utilities.

~~K)L~~) Temporary Buildings & Non-Permanent Structures

Temporary buildings and non-permanent structures shall meet the minimum setbacks as required in this Ordinance.

~~L)M~~) Timber Harvesting

1) Timber harvesting activities shall comply with the Erosion & Sedimentation Control performance standard within this ordinance.

**Part 3.** ARTICLE 5: LAND USE DISTRICTS, Table 5.1 Land Uses Permitted in Zoning Districts, Sub-section on Agricultural & Resource Uses is hereby amended with the addition of the following uses:

TABLE 5.1 – LAND USES PERMITTED IN ZONING DISTRICTS

KEY

District-

R/A– Residential/Agricultural District

VDI – Village I District

VDII – Village II District

Reviewing Authority-

A – Allowed without a permit

RC– Permitted with permit from Road Commissioner

CEO – Permitted with permit from Code Enforcement Officer

LPI – Local Plumbing Inspector

PB – Permitted with permit from Planning Board

SPR – Site Plan Review permit

SB – License from Select Board Required- SBA - Annual License and SBM – 5-year license

P – Permit Required

NP – Not permitted

See Footnotes at end of Table. All uses are subject to the general performance standards of Article 4.

LAND USES	DISTRICT		
	R/A	VDI	VDII
<u>Solar Energy System</u> <u>- Large</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>
<u>Solar Energy System</u> <u>- Small</u>	<u>A</u>	<u>A</u>	<u>A</u>

**Part 4.** ARTICLE 10: SITE PLAN REVIEW, subpart 2),c) Tier II Project Classifications, is hereby amended as follows:

(ix) Solar Energy Systems requiring a Site Plan Review Permit, unless it meets the

requirements of a Tier III application in subsection d. below.

**Part 5.** ARTICLE 10: SITE PLAN REVIEW, subpart D),5) Visual Impact General Performance Standards, is hereby amended as follows:

**Visual Impact –**

a) When a proposed development is located on a hillside that will be 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 reasonable.~~ the plan shall incorporate vegetation as a visual screen that must provide year-round screening to minimize the visual intrusion of the development. Screening must be a minimum width of 10 feet. If less than 25 feet wide, the screening must be comprised largely or entirely of evergreen trees and/or shrubs, which must be a minimum of 4 feet high and average of at least 6 feet high at planting, with at least two rows of planting at off-set spacing to fill in the gaps between plants in a single row. If the vegetated screen is at least 25 feet wide, it may be a mix of evergreen and deciduous trees and/or shrubs. Larger trees may be required for screening of larger projects with structures that differ significantly from those on adjacent properties, or that produce significant visual impacts.

**Part 6.** ARTICLE 10: SITE PLAN REVIEW, subpart E.) Use Specific Standards, is hereby amended as follows:

**Solar Energy System**

a) Agricultural Soils: Preference shall be given to locating the system on previously developed, degraded, or marginally productive portions of the property. If the project is to be located over land identified in the Comprehensive Plan as Prime Agricultural Soil, Farmland of Statewide Importance, or Farmland Soils of Local Importance, the plan shall minimize soil disturbance in the installation of the solar energy system with the goal of preserving future agricultural uses and shall include habitat for native plants and pollinators or incorporate a dual-use agricultural operation.

b) Abandonment or Decommissioning:

(i) Removal Requirements: At such time that the solar energy system has reached the end of its useful life or has been abandoned consistent with the Abandonment description within this standard, it shall be removed. 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 notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.

(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(c) Stabilization or re-vegetation of the site as necessary to minimize erosion.

(ii) Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of

the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town of Bowdoinham (town) retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

(iii) Surety: The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond, surety bond, 'evergreen' letter of credit, or other means acceptable to the Town, for the total cost of decommissioning. The applicant will have the financial assurance mechanism in place prior to construction. The applicant shall, upon request of the Town, update the estimated costs of decommissioning. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review.

~~23)~~ 24) Telecommunication Tower –

- a) The tower should be located so that the distance it is setback from the property line is equal to or greater than its height.
  - (i) In order for this setback to be reduced, the applicant must obtain an easement from any property owner(s) whose property(s) would be located within this setback distance, which is a radius equal to the height of the tower measured from the outer base of the tower.

- b) Wireless communications facilities which have been abandoned or which have remained unused for a period of eighteen months shall be removed, unless an extension is obtained from the Planning Board prior to the 18 month lapse. Prior to approval, the applicant shall submit a bond acceptable to the Town in an amount sufficient to pay for the cost of removal of the facility. The bond shall be made available to the town upon a finding, including adequate written notice to the applicant, that the facilities have not been used for an eighteen-month period.

~~24)~~ 25) Warehouse -

All impervious areas, except for the access drive, must maintain a 50 foot buffer from the side and rear property lines.

~~25)~~ 26) Wood Processing Facility -

- c) The proposed use shall be screened so that it is not visible from the road or abutting properties.
- d) Must maintain a minimum of a fifty foot vegetative buffer around the perimeter of the property.

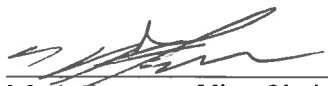
**Part 7:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

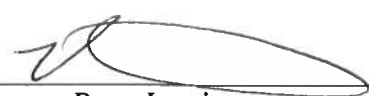
Given under our hands this 10th day of May, 2022.

BOARD OF SELECTMEN OF THE TOWN OF BOWDOINHAM:

  
\_\_\_\_\_  
David Engler, Chair

  
\_\_\_\_\_  
Mark Favreau, Vice Chair

  
\_\_\_\_\_  
Jeremy Cluchey

  
\_\_\_\_\_  
Peter Lewis

  
\_\_\_\_\_  
Debra Smith