

TOWN OF PERU, MAINE  
SOLAR ENERGY SYSTEMS ORDINANCE

**Section 1. Establishment and Purpose.**

With this ordinance the Town of Peru establishes the Solar Energy Systems Ordinance, pursuant to Title 30-A M.R.S.A., Chapter 141, Sections 3001-3006, Home Rule Authority. The purpose of the ordinance is to establish standards and requirements for solar energy systems.

This ordinance allows an unlimited number of small-scale solar arrays of less than one-half acre; a maximum of three medium-scale solar arrays equal to less than a half-acre but less than six acres; and a maximum of one large-scale solar array ranging from six to thirty acres.

**Section 2. Standards for Roof-Mounted and Small-Scale Ground-Mounted Solar Energy Systems.**

Roof-mounted solar energy systems, regardless of size, are allowed as-of-right throughout the community. This means that development may proceed without the need for a conditional-use permit, variance, amendment, waiver, or other discretionary approval. These projects cannot be prohibited and can be built once a building permit has been issued by the local inspector.

All wiring shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electric Code (NFPA 70) as adopted by the State of Maine.

**Section 3. Height Requirements for Roof-Mounted Solar Energy Systems.**

Systems cannot be mounted higher than two feet than the roof pitch on any residential structure with a pitched roof and cannot exceed four feet than the roof pitch on any non-residential structure with a pitched roof. A system cannot be higher than four feet above the structure on a flat roof and must be mounted to manufacturer's specifications.

In addition to the standards in Section 1, medium- and large-scale ground-mounted solar energy systems shall comply with the following:

- (1.) **Utility connections:** All electrical and control equipment for a ground-mounted Solar Farm shall be labeled and secured to prevent unauthorized access.
- (2.) **Safety:** The solar energy system owner or project proponent shall provide a copy of the site plan review application to the Planning Board for approval and to the Code Enforcement Officer and the Fire Chief for review and comment. The Code Enforcement Officer and the Fire Chief shall base any recommendations for approval or denial upon review of the fire safety of the proposed system.
- (3.) **Certification of the EPA "Toxicity Characterization Leaching Procedure (TCLP):** Shall be provided along with proof that all electrical equipment used at the facility

must be UL listed. No substitutions or other certifications for the UL listing or the TCLP shall be permitted.

- (4.) **Visual Impact:** Reasonable efforts, as determined by the Planning Board, shall be made to minimize undue visual impacts by preserving native vegetation, screening abutting properties or other appropriate measures, including adherence to height standards and setback requirements and to reduce glare in the direction of abutting or neighboring properties or roads and streets.
- (5.) **Land Clearing, Soil Erosion, and Habitat Impacts:** Existing trees, shrubs and other vegetation within the buffer area shall be preserved. The Planning Board may require additional plantings to create a naturalized vegetated buffer. Clearing of natural vegetation shall be limited to what is necessary for the construction of the Solar Farm. Removal of mature trees shall be avoided to the extent possible. Native, pollinator-friendly seed mixtures shall be used to the extent possible. Herbicide and pesticide use shall be prohibited unless there is no feasible method to control an invasive species.
- (6.) **Setbacks:** Systems must be set back a minimum of 50 feet from any right of way or public road and 30 feet from any side property line.
- (7.) **Fencing:** Fencing shall be installed as required by the NEC for ground-mounted solar energy systems in accordance with the size of the solar energy system. To allow for wildlife passage, fences should be elevated by a minimum of five inches.
- (8.) **Signage:** A sign shall be required to be installed on the property to identify the owner and provide a 24-hour emergency contact number. Additional signage may be required. All signs must conform to the standards of the Land Use Ordinance.
- (9.) **Roads:** A mid- or large-scale ground-mounted solar energy system owner or operator shall maintain a road for year-round access to the facility to accommodate emergency vehicles, including fire department access to a Knox Box.
- (10.) **Removal:** Solar energy systems that have reached the end of their useful life or have been abandoned consistent with this ordinance no more than 365 days after the date of discontinued operations: the owner or operator shall notify separately the Select Board, Planning Board, and the Code Enforcement Officer by certified mail of the proposed date of discontinued operations.
- (11.) **Abandonment:** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year. If the owner or operator of the solar energy system fails to remove the installation within 365 days of abandonment or the proposed date of decommissioning, the Town retains the right to use all available means to cause an abandoned, hazardous or decommissioned medium-scale ground-mounted solar

energy system to be removed. Annual inspections by the Town will continue at the owner or operator's cost until the site is removed and returned to its original state.

- a. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of the Ordinance within 365 days of abandonment or the proposed date of decommissioning, the Town retains the right to use the performance guarantee identified in Section 6(6) below, and all other means available to the Town to cause an abandoned, hazardous or decommissioned medium- or large-scale solar energy system to be removed.
- b. If an owner or operator of the solar energy system successfully removes the solar energy system pursuant to the requirements of this Ordinance, and the Code Enforcement Officer finds that the removal is in compliance, the owner or operator may apply to the Town for the release of the performance guarantee identified in Section 6(6) below. The Town shall not unreasonably withhold the release of a performance guarantee after the Code Enforcement Officer certifies compliance with the removal requirements of this Ordinance.

**Section 4. Additional Standards for large-scale solar energy systems:** Large-scale ground-mounted solar energy systems shall not be considered accessory uses.

- (1.) **Operations and Maintenance Plan:** The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar energy system, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.
- (2.) **Emergency services:** The large-scale ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the Code Enforcement Officer and the Fire Chief. Upon request, the owner or operator shall cooperate with Code Enforcement and/or Fire Department in developing an emergency response plan.

All means of shutting down the system shall be clearly marked. The owner or operator shall provide to the Fire Chief and the Code Enforcement Officer the name and contact information of a responsible person for public inquiries throughout the life of the installation.

**Section 5. Site Plan and Application and Review.**

**(A.) Applicability:**

1. Roof-mounted systems and small-scale ground-mounted systems are not subject to Site Plan Review.
2. Medium-scale ground-mounted solar energy systems are not subject to Site Plan Review, except in natural resource protection districts and as may be required if conditional use permits are needed.

3. Large-scale ground-mounted solar energy systems are subject to Site Plan Review.

**(B.) A Site Plan Showing:**

1. Property lines and physical features, including roads and setbacks, for the project site.
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and/or structures, and erosion control plan.
3. Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.
4. Documentation of the major system components to be used, including the panels, mounting system, and inverters.
5. Name, address, and contact information of the proposed system installer, the project proponent, project proponent agent, and all co-proponents or property owners, if any.
6. A one- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods.
7. Locations of important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas, such as rare and exemplary natural communities and rare plant habitat as identified by the Maine Natural Areas Program.
8. Locations of wetlands and waterbodies.
9. Locations of "Prime Farmland" and "Farmland of Statewide Importance".
10. Locations of floodplains.
11. Locations of local or National Historic Districts.
12. A public outreach plan, including how the project proponent will inform abutters and the community.

**Section 6. Decommissioning Plan showing:**

1. How physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site will be accomplished.
2. How disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations will be performed.
3. How stabilization or revegetation of the site will occur as necessary to minimize erosion. The Applicant should include restoration of native, pollinator-friendly seed mixtures which shall be used to the maximum extent possible in revegetation.
4. Estimate of costs for the decommissioning of the solar energy system with detail of how the estimate of the costs were derived, including the data which was the basis for the estimate.
5. Decommissioning and removal of the solar farm is required after twelve (12) consecutive months of no energy generation. The owner and/or operator shall remove the system in its entirety from the Town of Peru by no later than ninety (90) days after the end of the twelve-month period. No solar panels or demolition debris shall be stored on the project site.
6. Removal surety required for all solar farms. Upon Site Plan approval, and prior to applying for any applicable building permits for a Solar Farm-Large, the applicant shall submit to the Town a surety or performance guarantee to be approved by the Selectboard in the amount of 125% of the estimated removal costs. Such costs will account for physical removal of all structures, systems, equipment, security barriers, and electrical lines, disposal of all solid and hazardous waste, and stabilization or revegetation of the site as necessary to minimize erosion. The surety or performance guarantee shall be kept in effect throughout the lifetime of the system, and the form and amount of the financial surety will be reviewed by the Selectboard every five (5) years and renewed or adjusted as necessary.

#### **Section 7. Application and Permit Fee.**

##### **A. Application Fee:**

- a. Solar Energy System, Large-Scale. Application Fee is \$2,500.
- b. Solar Energy System, Medium-Scale. Application Fee is \$500.
- c. Solar Energy System, Small-Scale. The Application Fee is the standard building permit fee.

##### **B. Permit Fee is \$1.00 per kW with a minimum fee of \$25.**

#### **Section 8. Definitions.**

**Electrical Equipment:** Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended location.

**Electrical Generation (production, output):** The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).

**Height of building:** The vertical measurement from grade to the highest point of the building, except that utility structures such as chimneys, TV antennae, HVAC systems, and roof-mounted solar energy systems shall not be included in this measurement, nor shall any construction whose sole function is to house or conceal such structures.

**Mountings:** The way a solar PV system is affixed to the roof or ground (i.e., roof mount, or ground mount).

**Power:** The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), Megawatts (MW), etc., in Alternative Current (AC).

**Solar Array:** Multiple solar panels combined to create one system.

**Solar Collector:** a solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**Solar Energy System:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted, and may be of any size as follows:

1. Small-scale Solar Energy System is one whose physical size based on total airspace projected over a roof or the ground is less than 15,000 square feet (approximately one-third of an acre);
2. Medium-scale Solar Energy System is one whose physical size based on total airspace projected over a roof or the ground is equal to or greater than 15,000 square feet but less than 87,120 square feet (two acres);
3. Large-scale Solar Energy System is one whose physical size based on total airspace projected over a roof or the ground is equal to or greater than 87,120 square feet (two acres).

**Solar Energy System, Ground-Mounted:** A Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium-, or large-scale).

**Solar Energy System, Roof-Mounted:** A Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium-, or large-scale).

**Tilt:** The angle of the solar panels and/or solar collector relative to horizontal. Tilt is often between five (5) and 40 degrees. Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round.

## **Section 9. Effective Date.**

This Ordinance shall take effect upon enactment by Town Meeting.

To the Town Clerk of the Town of Peru, Maine

We hereby notify you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Peru, Maine Solar Energy Systems Ordinance", which is to be presented to the voters for their consideration on July 29, 2024.

Dated: July 22, 2024

The Town of Peru Solar Energy Systems Ordinance was adopted at Special Town Meeting on July 29, 2024.

**SELECT BOARD**

\_\_\_\_\_  
Arthur Clifford, Chair

*Gail Belyea*  
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Gail Belyea, Vice Chair

*Kathryn Lawrence*  
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Kathryn Lawrence

*Raquel Welch-Day*  
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Raquel Welch-Day

True and attested *Rebecca M. Condrain*  
Clerk