City of Caribou, Maine

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AGENDA
Caribou Planning Board
Regular Meeting
Thursday October 9, 2025, at 6:00 p.m.

The meeting will be broadcast on Cable Channel 1301 and the City's YouTube Channel. Public Comments submitted prior to the meeting no later than 4:00 pm on Thursday, October 9, 2025, will be read during the meeting. Send comments to Economic & Community Development Specialist, Eric Sanderson at esanderson@cariboumaine.org.

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Caribou Planning Board Regular Meeting Minutes

Thursday September 11, 2025 at 6:00 p.m.

The caribou planning board held a regular meeting on Thursday September 11,2025. This meeting was called to order at 6:00pm by Frank McElwain. Roll call: Frank McElwain Vice-Chair, Dave Corriveau, Steven Wentworth, Eric Hitchcock and Staff: Penny Thompson. Council Liaison Daniel Bagley was absent.

Acceptance of Minutes, Determine Quorum and Disclosure of Conflicts of Interest

Motion to accept meeting minutes from June 19,2025, July 24,2025 and August 14,2025 by Mr. Hitchcock, this was second by Mr. Corriveau, the vote was unanimous. There are a quorum of 4 members and no disclosure of conflicts of interest.

Public Hearings & Possible Action Was opened at 6:05pm and closed at 6:14 pm

a. Irving Farms Site Design Review- Solar
   Members went through the final site design review criteria by Planning. Motion by Mr. Wentworth to accept as presented, this was second by Mr. Corriveau.

Unfinished Business

a. Cannabis Ordinance Review
   Motion by Mr. Hitchcock to table, till further clarification on the 80B appeal, this was seconded by Mr. Corriveau.

New business

Mr. Corriveau brought up abandoned houses and said that he had spoken with Bangor code Enforcement. The board discussed checking MMA for resources vacant buildings, are they similar size and staff, can be something simple. Was suggested to have Eric reach out to see where the plane staff is staying.

City Council Liaison Report

Daniel Bagley, City Council Liaison, was absent during meeting.

Staff Report

Mr. Wentworth mentioned that it should be brought to the Governors' attention about bridge, this brought up a discussion regarding the Briefing sheet on the bridge.

Adjournment

Motion to adjourn by Mr. Hitchcock and second by Mr. Wentworth at 7:02 pm

MEMO

TO: Caribou Planning Board
FROM: Eric Sanderson, Economic & Community Development Specialist
DATE: October 3, 2025
RE: Commercial & Utility Scale Solar Performance Standards

Introduction

At its meeting on September 11, 2025, the Planning Board approved the application of Irving Farms for installation of a solar facility. Upon further discussion, the Board expressed interest to staff in exploring standards to adopt for such development, including for elements such as buffering or screening. Staff has compiled several examples of performance standards and guideline documents for the Board's review to generate discussion, and will outline a summary of items to consider in this memo. Please see Attachments 1, 2 and 3 for more information.

Existing Land Use Regulations

The City's Chapter 13 Land Use Ordinance currently has two definitions related to solar facilities:

- *Renewable Energy Facility* – Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, that is designed and intended to produce energy from natural forces such as wind, water, s unlight, or geothermal heat, or from the burning of biomass. Renewable Energy Facility may be a Public Utility Facility, or privately owned and operated.
- *Solar Power Generation Facility* – A power generation facility utilizing photovoltaic cells and semiconductor devices that convert sunlight into direct current electricity for storage, distribution and/or the beneficial use of more than one end user (see Renewable Energy Generation).

In review of the Irving Farms application, the Board applied Section 13-303 Site Design Review Criteria. As the Board noted in its findings, a solar facility has minimal impact for things such as traffic, pedestrian circulation, and lighting, however, there are several aspects of solar development that staff would like to bring to the Board's attention for consideration on any possible ordinance updates.

Permitting Considerations & Notable Performance Standards

1. **Project Size**
   Defining project size is key to guide an applicant through the correct permitting process. The City could receive an application for something as small as a roof mounted panel on a residential structure or as large as a utility sized project. The size of a solar project can be measured in power generation (AC or DC) for smaller projects, and in acres for larger ones. However, it is important to note the total size of the array when completed may differ from the size of the area that is disturbed during construction. The disturbed area may impact the level of state environmental permitting required for a project, including for stormwater and wildlife protections through MaineDEP.

2. **Stormwater**
   As noted above, project size may impact stormwater permitting requirements. Anything with greater than one acre disturbance is subject to Maine's Stormwater Management Law and requires a Stormwater Management Law Permit Application through MaineDEP. Larger projects with 20 or more acres of disturbance require a Site Location of Development Act (or Site Law) permit through MaineDEP. Construction of access roads (for construction or permanent access within an array), transformer pads, and

other impervious surfaces can change the flow of stormwater, even if when completed stormwater will infiltrate through grass, dirt and other pervious surfaces.

3. **Buffering & Screening**

   The Board may wish to consider visual impact and preserving natural vegetation where possible. Several options include a buffering requirement greater than or equal to the zoning district side/rear yard setbacks, or specifying such buffering for projects that abut residential property or zoning districts. Several options include buffering via vegetation, fencing, hedges, or a combination thereof. The City of Presque Isle requires evergreen and coniferous tree plantings along the entire perimeter of the site proposed for solar electric generation, however preserving existing vegetation within a certain distance of a property boundary may be the most desirable where feasible.

4. **Revegetation**

   Revegetation at the end of a project's useful life is key to minimize erosion. The Board may wish to consider requiring applicants to revegetate at a density comparable to the pre-existing vegetation, as well as a plan prepared by a licensed arborist or landscape architect. Native and non-invasive species should be considered as part of this process and plan.

5. **Decommissioning & Performance Guarantee**

   To ensure a solar facility can be removed after its useful life, solar projects typically are required to provide a Decommissioning Plan which outlines period of removal, disposal methods for any waste, and stabilization/revegetation of the site. As a prerequisite for an abandoned array or irresponsive owner/applicant, the City should require a performance guarantee or surety covering the cost of removal of the facility by a municipality prior to approval of a project. The surety is recommended to be reviewed as part of the Decommissioning Plan to ensure cost of removal reflects the elements present on site, and be adjusted for inflation for the multi-year or multi-decade lifetime expectancy of the project. In previous projects, staff has been advised that the typical 20-30 year lifetime of solar arrays do not align well with a municipally issued bond, therefore, a cash surety or Letter of Credit is typically best practice for the guarantee.

6. **Public Safety**

   Public Safety Departments, especially Fire Departments, are encouraged to be consulted as part of any large scale solar project. The Board may wish to consider requiring applicants to provide specific training to the Fire Department for responding to a photovoltaic fire at a solar facility. Additionally, emergency response to a solar array can be complicated by use of fencing and gate access. Staff recommends measures such as knox boxes or padlocks, which allow local Fire Departments to access locked facilities. Finally, having a 24 hour contact listed on clearly mounted signage at a project site will ensure any emergencies can be coordinated with project owners and utilities accordingly. Each of these items is something that could be part of a larger Operations & Maintenance Plan and Emergency Response Plan (e.g. electrical schematic, system operating procedures, etc.), which the Board may require as a submission requirement for large scale solar projects.

<u>Conclusion</u>

Staff is happy to provide further clarification or research if requested by the Board. These items are for discussion only at this point, and we are happy to work at the direction of the Board.

<u>Attachments</u>

Attachment 1 – Maine DACF Guide for Utility Scale Solar Installation & Development on Agricultural, Forested, and Natural Lands (January 8, 2021)

Attachment 2 – City of Presque Isle Article 2, Section XII.L – Solar Electric Generation Facilities

Attachment 3 – Town of Scarborough Section IX.O.1 Performance Standards, Utility Scale Solar

contrast, utility-scale projects are greater than 20 acres and usually sell all of the power to a single entity or utility.

II. General Permitting Considerations

Solar developments in Maine will require environmental site permitting, whether through the Maine Department of Environmental Protection (DEP), Land Use Planning Commission (LUPC), Department of Inland Fisheries and Wildlife (IFW), the US Army Corps of Engineers, municipalities, or some combination thereof. Below is a high-level listing of potential permitting that may apply to solar development projects and resources for further information. This overview is not to be interpreted as legal advice. Readers are encouraged to further research permit requirements by consulting relevant agency staff and by obtaining independent legal counsel.

A. >1 acre of disturbance within an organized area of the state:
   1. Subject to Stormwater Management Law (38 M.R.S. 420-D)
   2. Requires a DEP Stormwater Management Law Permit Application found here: https://www.maine.gov/dep/land/stormwater/swapp1.pdf
   3. May be eligible for a Stormwater Permit By Rule

B. > 20 acres of land (total area includes everything inside the fence, an area outside the fence needed for maintenance, roads, collector lines to the point of interconnection, and shade management areas):
   1. Subject to Site Location of Development Act (38 M.R.S. 481)
   2. Requires a DEP Site Law Application found here: https://www.maine.gov/dep/land/sitelaw/application-text-2015.pdf

C. Activities in, on, over, or adjacent to protected natural resources (including rivers, streams, brooks, and wetlands):
   1. Must comply with the Natural Resources Protection Act (38 M.R.S. 480)
   2. Requires a Natural Resources Protection Act (NRPA) permit under its subsequent jurisdiction. For more information please visit:
      a. DEP: https://www.maine.gov/dep/land/nrpa/
      b. LUPC: https://www.maine.gov/dacf/lupc/application_forms/index.shtml
      c. May be eligible for NRPA Permit By Rule

D. DEP Resources:
   1. Site Law Location of Development Act: https://www.maine.gov/dep/land/sitelaw/index.html
   2. Natural Resources Protection Act: https://www.maine.gov/dep/land/nrpa/index.html#form
   3. Stormwater Management Law: https://www.maine.gov/dep/land/stormwater/index.html
   4. Permit By Rule: https://www.maine.gov/dep/land/nrpa/ip-pbr.html
   5. For more information contact: Jim Beyer, Bureau of Land Resources at: jim.r.beyer@maine.gov or 207-446-9026

E. IFW Resources:

1. IFW's Solar Project Guidance: http://maine.gov/dacf/ard/docs/ifw-solar-project-guidance-03052020.pdf
2. For more information contact: Robert Stratton, Wildlife Biologist at Robert.D.Stratton@maine.gov or 207-287-5659 or John Perry, Environmental Review Coordinator at John.Perry@maine.gov or 207-287-5254

F. Municipal Zoning:
1. There are no statewide zoning laws that address solar development. However, some towns have adopted specific solar zoning ordinances. These range from allowing energy generating facilities in commercial and industrial zones, to more nuanced approval in rural and residential areas. On the opposite end of the spectrum, some towns have no zoning requirements allowing for development in any zone. Consult town offices for more information.

G. Municipal Building Permits and Approvals:
1. Many municipal ordinances require solar development plans to be reviewed and approved by the local fire chief, planning board, municipal engineer, and/or code enforcement officials, among others. These requirements may be based on the type of installation (ground-mounted vs. rooftop), if the energy produced will be consumed onsite or sold onto the grid, and the nameplate capacity or the footprint of the system. Consult town offices for more information.

H. Development in areas served by the LUPC, including townships, most plantations, and certain towns (see https://www.maine.gov/dacf/lupc/about/offices/index.shtml for descriptions, maps of service area, and contacts):
1. Grid-scale solar energy generation facilities are defined in the LUPC's rules as facilities that occupy one or more acres, have a nameplate capacity of more than 250 Kilowatts, and are solely intended to generate electricity for commercial sale offsite. These facilities will likely require rezoning to a Commercial Industrial Subdistrict or Resource Dependent Subdistrict and require a development permit. Zoning Petition Application forms and Non-residential Development Permit Application forms can be found here: https://www.maine.gov/dacf/lupc/application_forms/index.shtml
2. Non-grid-scale solar energy generation facilities are generally allowed with a permit or in accordance with standards in most subdistricts. Contact the appropriate regional LUPC office for information on a specific development site.
3. For reference:
   a. LUPC Rules, Chapter 10: https://www.maine.gov/dacf/lupc/laws_rules/rule_chapters/Ch10_ver2019_06_17.pdf
   b. LUPC Statute, 12 M.R.S.: https://www.maine.gov/dacf/lupc/laws_rules/rule_chapters/Statute_2017.pdf

I. Forestry considerations
1. See Section IV - A - 3 below.

J. Rare and exemplary botanical features considerations
1. See Section IV - A - 4 below.

Attachment 2 - City of Presque Isle Solar Electric Generation Facility Standards

L. Solar Electric Generation Facility

Purpose: The purpose of this section of standards is to preserve soils labeled as "Prime Farmland" or "Farmland of Statewide Importance" and the ability for the land to be farmed in the future. To promote the use of previously developed, disturbed, and degraded lands. To encourage dual-use and co-location projects that minimize the impacts to the proposed parcel, and surrounding community.

1) Setback – All structure must comply with the standards set forth in Article 1 Section VI. This shall include the racking, panels, pads and any buildings.

Attachment 2 - City of Presque Isle Solar Electric Generation Facility Standards

2) Siting & Buffering –
   a) All Solar Electric Generation Facilities shall comply with Article 2 Section X of Chapter 16 Land Use Code to include screened evergreen and coniferous tree plantings along the entire perimeter of site proposed for solar electric generation.
   b) The Planning board shall require the project to submit a soil analysis to determine the location with the least impact. Proposed projects shall be prohibited from constructing solar panels on soils classified as "Prime Farmland" or "Farmland of Statewide Importance" according to the USDA NRCS Soil Survey on the proposed parcel and the results from the on-site soil analysis.
   c) The project shall submit documentation for dual-use or co-location. This may include grazing, apiaries or handpicked crops. The project shall take in to consideration these activities as relates to panel height and row spacing.
   d) A survey of critical wildlife habitat shall be provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

3) Construction
   a) All racking for the proposed project shall be restricted to pile driven, ground screw or ballast block footings when the proposed parcel is farmland.
   b) No pesticides or defoliants may be used on the site.
   c) Replanting of vegetation shall consist of native pollinator mixes suitable for USDA Hardiness Zone 4a

4) Signage:
   a) The solar facility shall provide a sign that identifies the operator and provides a twenty-four-hour emergency contact phone number. Solar facilities shall not display any advertising except for reasonable identification of the manufacturer or operator of the facility.

5) Decommissioning
   a) Projects that are over 3 acres and have a decommissioning plan approved by Maine Department of Environmental Protection are exempt from this provision

b) Provide for the decommissioning of a solar energy development. For any portion of the development located on land classified as farmland any time within 5 years preceding the start of construction of the development, the plan must provide for the restoration of that farmland upon decommissioning sufficient to support resumption of farming or agricultural activities;
c) All components of solar energy developments must be physically removed to a depth of at least 24 inches, and any portion on farmland must be removed to a depth of 48 inches.
d) The decommissioning plan must provide for restoration of farmland sufficient to support resumption of agricultural activities
e) The person identified in the plan as responsible for decommissioning demonstrates financial assurance, in the form of a performance bond, surety bond, irrevocable letter of credit or other form of financial assurance acceptable to the environmental permitting entity, for the total cost of decommissioning. The financial assurance must be updated 15 years after approval of the plan and at least every 5 years thereafter.

O. PERFORMANCE STANDARDS – SOLAR ENERGY SYSTEMS

Solar energy systems are considered accessory uses and structures in all residential, mixed use, commercial and industrial districts in the Town of Scarborough. The Code Enforcement Officer may issue a building permit for the installation of a solar energy system provided the following performance standards are met. Solar energy systems include photovoltaic, solar hot water, and solar space heating.

1. **Roof and Building Mounted Solar Energy Systems -**

   a. Roof mounted solar energy systems shall conform to the maximum building height restrictions within the district in which it is located;

   b. The solar energy systems shall be designed, sized and installed to only generate electricity, hot water, or heat for the building(s) located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the power grid.

   c. Electrical, plumbing and/or building permits from Code Enforcement shall be required.

2. Ground Mounted Solar Energy Systems (Solar Arrays) -

a. The maximum height of a ground mounted solar energy systems shall be a twenty (20) feet. The height of a ground mounted solar energy system shall be measured from the ground level at the base of the solar energy system to its highest point, including the system's pedestal. [amended 01-20-16]

b. Ground mounted solar energy systems shall conform to the yard requirements of the applicable zoning district or be setback a distance equal to the total height of the system, whichever is greater.

c. Electrical wiring and connections from the solar energy system to the building(s) they serve shall be underground.

d. The solar energy systems shall be designed, sized and installed to only generate electricity, hot water or heat for the building(s) located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the power grid.

e. Electrical, plumbing, and/or building permits from Code Enforcement shall be required.

3. Solar Energy Systems within Common Open Space – To the extent permitted by applicable state and/or federal laws, solar energy systems may be allowed by the Planning Board within the common open space of a residential subdivision subject to the following requirements: [adopted 01-20-16]

a. The solar energy systems within common open space shall comply with the performance standards 2.a., 2.c., and 2.e. of the subsection above.

b. If proposed within a conservation subdivision required under Section VII.A. of this Ordinance, the installation of solar energy systems, and any necessary associated improvements, shall avoid impacting wetlands within the subdivision open space areas.

c. The location and number of solar energy systems shall be determined by the Planning Board and shall be based on the forecasted energy consumption of the dwellings and uses within the subdivision as well as the site's ability to accommodate these systems without impacting the other purposes of the common open space.

O.1 PERFORMANCE STANDARDS – UTILITY-SCALE SOLAR ENERGY SYSTEMS [Adopted 10/21/2021][Amended 11/03/2021][Amended 10/05/2022]

The purpose of these standards is to allow for the appropriate siting of Utility-Scale Solar Energy Systems as a clean, renewable energy source and to help promote sustainable initiatives in town. The intent is to facilitate the effective and efficient use of Solar Energy Systems while protecting the public health, safety, and welfare of Scarborough Citizens.

All Utility-Scale Solar Energy Systems are considered principal uses and structures in the RF, RFM, I, LI. For purposes of this Ordinance. Utility-Scale Solar Energy Systems shall meet the following: (a) a commercial facility with primary purpose 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; (b) is a system that is designed primarily to export energy to the electrical grid; and (c) produces not less than one megawatt and not more than five megawatts of electricity.

All Utility-Scale Solar Energy Systems may be undertaken only after the Planning Board has found that the proposed use will conform to the following performance standards requirements:

1. Dimensional Requirements:

a. Height - Utility-Scale Energy Systems shall conform to the building/structure height requirements of the zoning districts in which they are permitted, not to exceed 20 feet.

b. Setbacks - The minimum setback shall conform to the requirements of the zoning district or 50 feet from lot line, whichever is greater. Setbacks shall be measured from the edge of the perimeter fence enclosure to the property boundary.

i. For Utility-Scale Solar Energy Systems constructed on a property with a closed and capped landfill and which is subject to a MEDEP Solid Waste permit which would restrict the installation of a fence at least 50 feet from the property boundary, the setback shall be 65-feet from the property boundary and is to be measured from the edge of the solar array to the property boundary. The perimeter fence is still required and shall be erected between the property boundary as allowed per MEDEP Solid Waste permit. [adopted 11-03-2021]

Lot Size - The minimum lot size for a Utility-Solar Energy Systems shall be 25 acres.

2. Standards for Utility-Scale Solar Energy Systems:

a. Utility Connections - Utility connections from the solar photovoltaic installation shall be place underground, depending on appropriate soil conditions, shape and topography of the site, and any requirements of the utility provider.

b. Visual Impact - Visual impacts shall be minimized by preserving natural vegetation, screening abutting properties, and protecting scenic resources. Buffer requirements of Section VIII. of the Zoning Ordinance shall apply.

c. Natural Resources - Wetland, vernal pools, surface waters, and slopes greater than twenty percent (20%) shall be conserved. Whenever possible, the area surrounding the array shall be planted with native wildflower meadow seed mix to stabilize the soil, encourage infiltration of runoff and increase pollinator habitat. The Planning Board may allow limited crossings for driveways or utilities to provide access to an upland area that is otherwise deemed to meet all other standards for the development of a Utility-Scale Solar Energy System.

d. Land Clearing and Erosion Control – Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of Utility-Scale Solar Energy Systems. Adherence to the provisions of the Maine Department of Environmental Protection's Maine Erosion and Sediment Control Best Management Practices is mandatory. An erosion and sedimentation control plan and narrative is required, and must comply with requirements set forth in Chapter 420 Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance. Herbicide use is prohibited. No prime agricultural soil or significant volume of topsoil shall be removed from the site to install a Utility-Scale Solar Energy System or its accompanying infrastructure. Removal of mature trees is discouraged and the imposition of mitigation measures or restrictions on tree clearing shall be prescribed by the Planning Board in order to prevent habitat fragmentation of existing forested landscapes and to protect hydrological regimes and other essential ecosystem functions. In the event that a site's vegetation is disturbed or must be removed to provide for solar access during the construction of the project, a revegetation plan is required and must be prepared by a qualified professional. The plan shall indicate the existing nature of the vegetation to be removed; describe revegetation activities and how they create beneficial

habitat by using native vegetation in all disturbed areas of the site not used to achieve operational efficacy of the Utility-Scale Solar Energy System; and a maintenance plan. The Planning Board may approve an alternate revegetation plan that uses native vegetation but does not necessarily establish a beneficial habitat.

1. For projects removing one or move acres of continuous forested landscape the project shall be required to ensure the minimum setback area is vegetated at a density comparable to the pre-existing vegetated area that is to be removed, except for areas required for access crossing.

e. Operations & Maintenance Plan – As part of a Utility-Scale Solar Energy System site plan, the project applicant shall include an operation and maintenance plan, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

f. Enclosure – The Utility-Scale Solar Energy Systems shall be surrounded by a perimeter fence. Where applicable for screening from abutting properties in accordance with Section VIII of the Zoning Ordinance. The fence shall be constructed of high quality, long lasting materials incorporating an appropriate level of architectural design determine by the Planning Board. Where chain link fence is determined an appropriate use, the fence shall be either painted a dark color or coated with dark vinyl.

g. Signage – Signs on Utility-Scale Solar Energy Systems shall comply with all applicable standards in this zoning ordinance. All sites shall be required, at minimum, to identify the system owner and provide a 24-hour emergency contact phone number at the entrance of the site.

h. Emergency Services – The system owner of a Utility-Scale Solar Energy System shall provide a copy of the project summary, electrical schematic, and an emergency response plan. The system owner shall identify a responsible person for public inquiries throughout the life of the installation.

i. Installation Conditions – The system owner of a Utility-Scale Solar Energy System shall maintain the facility in good condition. Maintenance shall include, but not be limited to painting, structural repairs, and integrity of perimeter fencing. Site access shall be maintained to a level acceptable to the Fire Chief. The system owner shall be responsible for the cost of maintaining the access road(s) unless the road(s) is accepted as a public way.

j. Applicable Permitting – Prior to approval the Planning Board shall determine all applicable Federal and State permits have been received by the applicant. In addition, prior to the issuance of a building permit the applicant will need to provide an interconnection agreement from the energy provider.

3. Decommissioning and Removal of Utility-Scale Solar Energy Systems: [Amended 10/05/2022]

a. Removal – Any Utility-Scale Solar Energy System that has reached the end of its useful life or has been abandoned consistent with this ordinance shall be removed. The system owner shall physically remove the installation no more than twelve (12) months after the date of discontinued operations. The system owner shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all Utility-Scale Solar Energy Systems, structures, equipment, perimeter fencing, and transmission lines for the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the system owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
    i. Projects removing one or more acres of continuous forested landscape, as noted in section 2.d.1 above, shall revegetate the same area where vegetation was removed and at a density comparable to the pre-existing vegetation. A revegetation plan shall be prepared by a qualified professional. The plan shall indicate the existing nature of the vegetation that was removed, describe revegetation activities, and include a maintenance plan. The revegetation plan shall be a component of the surety as required in section 3.c. below.

b. Abandonment.

i. Absent written notice of a propose date of discontinued operations or written notice of extenuating circumstances, a Utility-Scale Solar Energy System shall be considered abandoned when it fails to generate electricity for a continuous twelve (12) month period. Determination of abandonment shall be made by the Code Enforcement Officer. The Code Enforcement Officer shall notify the system owner of an abandoned facility in writing and order the removal of the facility within one hundred and twenty (120) days of receipt of the written notice. The system owner shall have forty-five (45) days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the system has not been abandoned. If the system owner fails to show that the system is inactive operation, the system owner shall have ninety (90) days to reactivate the system or commence removal of the facility in accordance with the requirement of this provision.

ii. Failing to remove the system in accordance with the requirements of this Article is considered a violation of this Article. The Town retains the right to use any all legal or available means necessary to cause an abandoned, hazardous, or decommissioned Utility-Scale Solar Energy System to be removed.

c. Surety – If the facility is not removed within the designated period. The Town may remove the facility at the owner's expense. A copy of the relevant portions of a signed lease or other comparable signed legal instrument which requires the applicant to remove the Solar Energy System and associated facilities and reclaim the site upon abandonment or decommissioning shall be submitted as part of the application. Further, a surety shall be proved to the Town to guarantee the removal of an abandoned Solar Energy System, prior to the installation of the facility. The applicant must submit a sample form of surety with its application to pay for the costs of removing the facility if it is abandoned. The surety must be obtained and delivered to the Planning Department after approval of the application by the Planning Board and prior to construction.

4. Public Notification:

When an application is deemed to be complete, the Planning Department shall, at the applicant's expense, give written notification to all abutting property owners within five hundred (500) feet

of the parcel on which the proposed development is located of the date, time, and place of the meeting at which the application will be considered. Notification shall be sent at least ten (10) days prior to the first meeting at which the complete application is to be reviewed. Failure of any property owner to receive the notification shall not necessitate another hearing or invalidate any action of the Board. For the purposes of this Section, the owners of the abutting properties shall be considered to be the parties listed by the tax assessor for the Town of Scarborough. The Planning Board shall provide an opportunity for public comment prior to actin on an application.


THE MOST NORTHEASTERN CITY IN THE UNITED STATES
CARIBOU MAINE
ATTENTION
PLEASE!
SCAM ALERT!
• Official City of Caribou email addresses end in @caribou maine.org
• The City will never request payment by wire transfer
• If you receive questionable emails, do not respond or send money
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