**TOWN OF OTIS, MAINE**

**LARGE-SCALE SOLAR ORDINANCE**

**Adopted on \_\_\_\_\_August 14,2024\_\_\_\_\_\_\_\_\_\_\_**

**SECTION 1 – TITLE; EFFECTIVE DATE.**

This ordinance shall be known and may be cited as *The Town of Otis Large-Scale Solar Ordinance*, hereinafter the “Ordinance”.

The effective date of this Ordinance shall be the date of its adoption, August 14,2024

This Ordinance shall be codified as a new Chapter in the Otis Zoning Ordinance.

**SECTION 2 – PURPOSE; AUTHORITY.**

The purpose of this Ordinance is to establish minimum local standards regarding Large-Scale Solar Facilities (defined below) in the Town of Otis to protect the health, safety, and general welfare of the inhabitants of Otis. It is adopted pursuant to the home rule authority of the Town of Otis pursuant to the Maine Constitution and 30-A M.R.S. § 3001 et al.

This Ordinance shall be in addition, and not in lieu of or a substitute, to any other local, state, or federal requirements applicable to any Large-Scale Solar Facilities governed by this Ordinance. To the extent there is any conflict between this Ordinance and another ordinance or State or Federal law or regulation, the stricter standard shall apply.

**SECTION 3 – APPLICABILITY.**

This Ordinance shall apply to any Large-Scale Solar Facility in the Town of Otis. For the purposes of this Ordinance, a Large-Scale Solar Facility is defined as any power generation facility utilizing solar energy that occupies an area greater than three (3) acre and that does not fully utilize solar energy generated on the property where the facility is located. For the purposes of this Ordinance, access roads associated with a solar energy facility shall not count towards the three (3) acre threshold.

**SECTION 4 – ADMINISTRATION**.

This Ordinance shall be administered by the Otis Select Board, Otis Planning Board, and Otis Code Enforcement Officer as set forth herein.

**SECTION 5 – LARGE-SCALE SOLAR FACILITIES ALLOWED IN RURAL RESIDENTIAL ZONING DISTRICT.**

This Ordinance specifically modifies the Zoning Ordinance for the Municipality of Otis, Maine (“Zoning Ordinance”), by amending Section 14 Table of Land uses to allow Large-Scale Solar Facilities in the Rural Residential Zoning District and to prohibit Large-Scale Solar Facilities in any other district as follows:

\* \* \*

**SCHEDULE OF USES**

**LAND USES RP SP LR SD RR/AP**

 1. Non-intensive recreation uses not requiring

structures such as hunting, fishing and hiking YES YES YES YES YES

2. Forest management activities except for timber

 harvesting & land management roads Yes YES YES YES YES

3. Timber Harvesting NO CEO CEO CEO CEO

1. Clearing or removal of vegetation for activities

 other then timber harvesting CEO CEO YES YES YES

5. Fire Prevention Activities YES YES YES YES YES

6. Wildlife management practices YES YES YES YES YES

7. Soil and Water conservation practices YES YES YES YES YES

8. Mineral Exploration NO NO YES-2 YES-2YES-2

9. Mineral Extraction/ sand/ gravel NO NO PB PB PB

10. Surveying and Resource Analysis YES YES YES YES YES

11. Emergency Operations YES YES YES YES YES

12. Agriculture NO YES YES YES YES

13. Aquaculture NO PB PB PB PB

14. Principal Structures

 A. One and Two Family Residential

 including driveways NO PB-3 CEO CEO CEO

 B. Multi-unit Residential NO PB-3 PB PB PB

 C. Light Commercial (two employees) NO NO CEO CEO CEO

 D. Heavy Commercial (>two employees) NO NO NO NO PB

 E. Industrial NO NO NO NO PB

 F. Governmental & Institutional NO NO PB PB PB

 G. Small non residential facilities for educational/

 Scientific or nature interpretation purposes PB PB CEO CEO CEO

 **LAND USES Districts RP SP LR SD RR/AP**

15. Structures accessory to allowed uses. NO PB-3 CEO CEO CEO

16. Piers, Dock, Wharves, Bridges, and other

 structures and use extending over or below the

 normal high-water line

 A. Temporary CEO CEO CEO CEO CEO

 B. Permanent NO NO NO NA NA

17. Conversion of seasonal residential LPI LPI LPI LPI LPI

18. Home Occupation NO NO CEO CEO CEO

19. Sewage Disposal Systems LPI LPI LPI LPI LPI

20. Essential services PB-4 PB-4 PB-4 PB-4 YES

21. Service drops YES YES YES YES YES

22. Public and Private recreational area with

 minimal structural development PB PB CEO CEO CEO

23. Individual, private campsites NO NO CEO CEO CEO

24. Campgrounds NO NO PB PB PB

25. Road construction NO-1 NO-1 CEO CEO CEO

26. Parking facilities NO-5 No CEO CEO CEO

27. Marinas NO NO PB PB PB

28. Filling or earth moving of < 10 cubic yards PB NO YES YES YES

29. Filling or earth moving of > 10 cubic yards PB NO CEO CEO CEO

31. Herbicide application NO NO YES YES YES

32. Large-Scale Solar Facilities NO NO NO NO YES-6

33. Uses similar to allowed uses PA PA PA PA PA

34. Uses similar to uses requiring CEO permit CEO CEO CEO CEO CEO

35. Uses similar to uses requiring PB permit PB PB PB PB PB

**1. Except as provided in Section 15 (I) (3).**

**2. Requires a permit from the CEO if more then 100 sq. feet of surface area is disturbed.**

**3. Provided that a variance from the setback requirement is obtained from the Board of Appeals.**

**4. Requires a permit from the Planning Board if within the shoreland zone and see further restrictions in Section 15(M)**

**5. Except when area is zoned RP due to floodplain criterion in which case a permit is required from PB.**

**6. Large-Scale Solar Facilities are only allowed in the Rural Residential District; i.e., they are not allowed in the Air Park District.**

\* \* \*

Upon enactment of this Ordinance, the Town Clerk is hereby authorized and directed to codify the foregoing amendment in Section 14 Table of Land Uses in the Zoning Ordinance to ensure consistency.

**SECTION 6 – NOTICE OF STUDIES/RESOURCE ASSESSMENT ACTIVITIES.**

A person/entity pursuing a Large-Scale Solar Facility (an “Applicant”) shall submit a written Notice of Studies/Resource Assessment to the Otis Select Board and Otis Planning Board prior to conducting any on-site resource or technical review assessment activities. For any Large-Scale Solar Facility that has conducted on-site resource or technical evaluations prior to the effective date of this Ordinance, and which are reasonably anticipated to continue, such Applicant(s) shall submit a Notice of Studies/Resource Assessment no later than forty-five (45) days of the effective date of this Ordinance to both the Otis Select Board and Otis Planning Board.

The Notice of Studies/Resource Assessment shall include and be subject to the following:

1. Name of Project Owner. The Applicant shall submit ownership information of the person(s) or entity(ies) that are the project owners of the proposed activity.
2. Project Participant Information, Organizational Chart. The Applicant shall submit information identifying project participants (e.g., landowners, technical consultants, etc.) that will be participating in the studies/resource assessment activities. This may take the form of an organizational chart or equivalent document. The Applicant shall provide in writing any material changes to the Otis Select Board and Otis Planning Board as part of semi-annual reporting.
3. Description/Scope of Studies/Resource Assessment Activities. The Applicant shall submit a detailed statement describing the scope and nature of the studies/resource assessment activities, which shall include a map identifying the area of interest and other relevant attributes (e.g., surrounding environs). The Applicant shall provide any material changes to the area of interest and studies/resource assessment activities to the Otis Select Board and Otis Planning Board as part of semi-annual reporting.
4. Semi-Annual Report (e.g., every 6 months). The Applicant shall provide, at a minimum, semi-annual written reports to the Otis Select Board and Otis Planning Board describing the status of the studies/resource assessment activities in the Town of Otis and proposed project as a whole.
5. Compliance with Laws/Regulations. The Applicant shall comply with all applicable local, state, and federal laws and regulations applicable to the studies/resource assessment activities.

If an Applicant ceases to perform studies/resource assessment activities, it shall provide a written notice of termination (“Termination Notice”) to the Otis Select Board and Otis Planning Board. Such notice shall state the Applicant’s intent to (i) not pursue Solar Permit (defined below) in the Town of Otis; (ii) pursue a Solar Permit, which may include ongoing performance of studies/resource assessment activities; or (iii) suspend studies/resource assessment activities for a stated time period.

If performance of studies/resource assessment activities is inactive for 12 consecutive months, there is a presumption an Applicant will not pursue a Solar Permit. A determination on inactivity for 12 consecutive months will be made in writing by the Otis Planning Board, after notice and opportunity to be heard is provided to the Applicant. If it is determined the studies/resource assessment activities have terminated due to inactivity for 12 consecutive months, then any further studies/resource activities must be conducted under a new Notice of Studies/Resource Assessment.

**SECTION 7 – CONSTRUCTION/OPERATIONS SOLAR PERMIT REQUIRED**.

Prior to constructing and operating a Large-Scale Solar Facility, a Solar Permit is required from the Otis Planning Board, including satisfaction of any pre-construction conditions.

**SECTION 8 – SUBMISSION REQUIREMENTS AND PERMIT STANDARDS FOR LARGE-SCALE SOLAR FACILITIES.**

A Construction/Operations Solar Permit (“Solar Permit”) for a Large-Scale Solar Facility shall not be issued by Otis Planning Board unless the following submissions and standards are met:

1. Name of Project Owner. The Applicant shall submit ownership information regarding the project owner and, if applicable, project developer proposing the Large-Scale Solar Facility.
2. Name of Owner. The Applicant shall submit ownership information regarding (Ii) the property owner(s) where the Large-Scale Solar Facility is proposed, including any ancillary facilities.
3. Name of Operator; Organizational Chart. The Applicant shall submit operator information of the proposed activity. In addition, the Applicant shall submit an organizational chart or equivalent document identifying the project participants and describing their relationships.
4. Right, Title, and Interest. The Applicant shall submit documentation demonstrating sufficient right, title, and interest in the property or properties where the Large-Scale Solar Facility is proposed, including without limitation all access roads and interconnection improvements.
5. Application Review Fee. The Applicant must submit an application fee to the Town of Otis in accordance with a fee schedule adopted by the Otis Select Board.
6. Compliance with Notice of Studies/Assessment. The Applicant must submit a written report of its compliance with Notice of Studies/Assessment requirements of this Ordinance.
7. Site Plan; Project Narrative. The Applicant shall submit a site plan and project narratives responsive to the following:
	1. Property lines, physical features, and natural features for the project site and surrounding area.
	2. Proposed changes to the project site, such as grading, clearing of vegetation, planting, lighting, buffers/screening, new structures, etc.
	3. Drawings and specifications of Large-Scale Solar Facility system showing its layout, infrastructure components, existing and proposed buildings, and distance to all property lines, physical features, and natural features, as well as electrical diagrams and interconnection components.
	4. Narrative project description including, without limitation, the system components proposed to be used (e.g., panels, mounting system, inverter, interconnection facilities, etc.).
	5. Location of any plants or animal habitats identified by the MDIF&W, or areas identified by the Maine Natural Areas Program. A consultation letter from the MDIF&W and MNAP is a required submission.
	6. Location of any wetlands or waterbodies (both State and Federal), and any proposed impacts together with avoidance/mitigation measures.
	7. Location of any floodplains.
	8. Location/description of any scenic, archaeological, or historic features and proposed impacts. A consultation letter from the Maine Historic Preservation Commission is a required submission.
	9. Security plan.
	10. Estimated construction cost and schedule.
	11. Decommissioning plan.
8. Permits, Licenses, or Other Approvals. The Applicant must submit copies of all State and Federal permits, licenses, or other governmental approvals as evidence of satisfying all requirements and conditions of those laws and regulations prior to obtaining a Solar Permit or alternatively as part of a Permit with pre-construction conditions of approval that no construction may commence until submission of all applicable State and Federal permits, licenses, or other governmental approvals.
9. Utility Connections. The Applicant shall provide information on any connections to the public utility grid including evidence of meeting interconnection requirements or alternatively as part of a Solar Permit with pre-construction conditions of approval that no construction may commence until submission of evidence meeting interconnection requirements.
10. Additional Submissions. The Applicant shall submit further information responsive to the Local Standards set forth below.
11. Local Standards.
	1. *Compliance with Notice of Studies/Assessment.* A Large-Scale Solar Facility must demonstrate compliance with the Notice of Studies/Assessment requirements of this Ordinance.
	2. *Financial and Technical Capacity.* The Applicant must demonstrate financial and technical capacity to design, finance, construction, and operate the proposed Large-Scale Solar Facility. To obtain a Solar Permit, an Applicant must demonstrate technical and financial capacity for pre-construction activities, and for any approved Large-Scale Solar Facility a condition of approval prior to commencement of construction shall include submission of financial and technical capacity to complete design, construction, and operation of the Large-Scale Solar Facility (e.g., evidence of committed construction financing; design and construction crews; etc.).
	3. *Minimum Setback and Buffer/Screening from Public Ways*.A Large-Scale Solar Facility (excluding utility lines and roads that may be associated with a Large-Scale Solar Facility) shall be at least two-hundred and fifty (250) feet from any public way as measured from the edge of the right-of-way or, if unknown, the edge of the traveled surface, except this minimum setback distance may be reduced provided an existing natural buffer exists or is established prior to commencement of construction and will be maintained as a functional equivalent to screen the project so it is not visible from any public way in the Town of Otis. If no natural buffer exists, provision must be made to establish a natural buffer within 250 feet of any public way (as measured above) such that within 5 years softwood species are at least 4 feet in height and hardwood species are in at least 6 feet in height. Plantings shall be native and a mix of hardwood and softwood species suitable for the soils and surrounding environs.
	4. *Buffer/Screening from Great Ponds.* A Large-Scale Solar Facility (excluding utility lines and roads that may be associated with a Large-Scale Solar Facility) shall not be visible from any Great Pond wholly or partially located within the Town of Otis. For the purpose of this provision, visibility shall be determined without the aid of any visual optics (e.g., binoculars).
	5. *Minimum Setbacks from Residences.* A Large-Scale Solar Facility (excluding utility lines and roads that may be associated with a Large-Scale Solar Facility) shall be no closer than 330 feet (1/16 mile) from an existing residence (i.e., from the structure containing the residence) in the Town of Otis. For purposes of this provision, an existing residence is a building or structure maintained and used for year-round residential occupancy that includes permanent indoor sanitary facilities, and that is in existence and used as of the date of an application for a Solar Permit. If an existing buffer does not exist that screens the Large-Scale Solar Facility so it is not visible from a residence an Applicant must provide a buffer that will be maintained as a functional equivalent (see Section 8.11.c for buffer requirements). An Applicant may alternatively satisfy the foregoing requirements of this subsection (Section 8.11.e) (either the minimum setback, buffer, or if applicable both) with a legally enforceable waiver/easement from the affected property owner(s) (a participating property) for all or a portion of the minimum setback and/or buffer.
	6. *Additional Setbacks*. Large-Scale Solar Facilities shall be set back at least 100 feet from the property line of any adjacent owner. This requirement may alternatively be satisfied with a waiver/easement from an affected property owner(s) for all or a portion of the property line setback.
	7. *Archaeological and Historic Resources.* The Large-Scale Solar Facility shall have no unreasonable effect on any archaeological or historic resources.
	8. *Stormwater.* The Large-Scale Solar Facility shall have no unreasonable effect on runoff/infiltration. The Planning Board shall consider all relevant evidence, such as:

(1) A stormwater management system will infiltrate, detain, or retain water falling on the site during a storm of an intensity equal to a twenty-five year, twenty-four hour storm such that the rate of flow of stormwater from the Large-Scale Solar Facility is less than the rate of outflow of stormwater from the site prior to the undertaking of the Large-Scale Solar Facility.

(2) The physical, biological, and chemical properties of the receiving waters will not be unreasonably degraded by the stormwater runoff from the Large-Scale Solar Facility site.

(3) The peak discharge of the receiving waters will not be increased as the result of the stormwater runoff from the Large-Scale Solar Facility site for storms up to a level of intensity of a twenty-five year, twenty-four hour storm.

* 1. *Erosion/Sedimentation Control.* The Large-Scale Solar Facility shall make adequate provision for controlling erosion and sedimentation to prevent unreasonable adverse environmental impacts. The Planning Board shall consider all relevant evidence, such as:

(1) All earth changes will be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land will be limited to the shortest period of time possible.

(2) Sediment caused by accelerated soil erosion will be removed from runoff water before it leaves the Large-Scale Solar Facility site.

(3) Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the Large-Scale Solar Facility site will be designed to limit the water flow to a non-erosive velocity.

(4) Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area will be completed within fifteen calendar days after final grading has been completed. When it is not possible or practical to permanently stabilize disturbed land, temporary erosion control measures will be implemented within thirty calendar days of the exposure of soil.

(5) When vegetative cover will be established as a temporary or permanent erosion control measure:

(a) Plant species to be used and the seeding rates will take into account soil, slope, climate, and duration and use of the vegetative cover.

(b) Mulch will be provided at rates appropriate to ensure a minimum of soil and seed loss until an acceptable "catch" of seed is obtained.

(c) Reseeding will be done within thirty (30) days’ time (during growing seasons) if there is not an acceptable "catch".

(6) All Large-Scale Solar Facility development plans will incorporate building designs and road layouts that fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

* 1. *Vegetative Clearing; Protection of Wildlife and Fisheries.*
1. Clearing and maintenance of vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the Large-Scale Solar Facility. Mowing shall be minimized to the greatest practical extent. Native, pollinator-friendly seed mixtures shall be used, and herbicide and pesticide shall not be used. No prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the facility. No more than 10% of the Large-Scale Solar Facility may be located on prime agricultural soil. Prime agricultural soil shall be those soils defined by the USDA Natural Resources Conservation Services as “Prime Farmland” or “Farmland of Statewide Importance” that are or have been actively farmed in the last 10 years, as determined by a field bases survey conducted by a licensed soil scientist or similar professional.
2. A Large-Scale Solar Facility shall not have an unreasonable effect on wildlife and fishery resources. All Large-Scale Solar Facility development plans must demonstrate compliance with State laws and regulations governing wildlife and fisheries through submission of State permits, licenses, or other governmental approvals received or, alternatively, as a condition of approval, submission of such permits, licenses, or other governmental approvals prior to start of construction.
3. Collector Lines; Utility Connections: Overhead or pole-mounted electrical wires shall be avoided to the greatest practical extent within the Large-Scale Solar Facility project site.
4. Any fencing for the Large-Scale Solar Facility shall be designed and installed to avoid and mitigate impacts to wildlife, including design features to maximize wildlife’s ability to travel through fencing through space opening design, escape holes, or similar features.
	1. *Watershed Impacts.* The Large-Scale Solar Facility shall have no unreasonable effect on the quality and quantity of water, taking into account water pollution, wetland impacts, erosion and sedimentation, stormwater, annual peak flows accounting for any variations in spring melt comparing pre and post development of the Large-Scale Solar Facility, and any adverse impacts on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.
	2. *Security; Operations & Maintenance; Fire Prevention*. A Large-Scale Solar Facility must make adequate provision for security, operations, and maintenance. The Planning Board shall consider all relevant evidence, such as:
5. A security system and plan for the Large-Scale Solar Facility.
6. An operations and maintenance plan, including without limitation measures for maintaining safe access and operational maintenance of the Facility improvements and infrastructure as well as stormwater control measures. Emergency contacts shall be provided as a condition of approval prior to construction and updated during operations.
7. A fire prevention plan setting forth sufficient protective and preventative measures, which has been reviewed by the appointed Fire Chief and has provided a recommendation for approval, approval with conditions, or denial based on fire safety considerations.
8. A sign or signs placed along or in close proximity to road access points to the Large-Scale Solar Facility identifying the owner and 24-hour emergency contact number.
	1. *Noise; Dust; Fumes; Odors.* A Large-Scale Solar Facility shall not generate or otherwise cause unreasonable noise, dust, fumes, or odor emissions beyond the property boundary where the Large-Scale Solar Facility is located.
	2. *Glare; Lighting*.
9. To reduce light pollution, non-reflective or anti-glare PV panels shall be used when feasible. Reused/refurbished PV panels with little or no non-reflective anti-glare properties shall be positioned to eliminate concentrated glare on neighboring non-participating properties.
10. A Large-Scale Solar Facility shall not cause excessive light pollution and shall utilize reasonable measures to avoid or minimize glare, light trespass, and “sky glow” to protect night sky and prevent any lighting nuisances on adjacent properties or public right-of-ways.

Lighting shall not produce strong, dazzling, flashing, or reflection of light beyond what is necessary for operations.

Unless necessary for safety or otherwise required by state or federal law, lighting shall be shielded and hooded and directed downward so as not to light up the night sky.

* 1. *Hazardous Materials*. The panels, inverters, and transformer(s) shall not contain hazardous materials. No hazardous materials shall be disposed of at the Town of Otis Transfer Station or other designated Town site(s) for waste disposal.
	2. *Decommissioning.* Any Large-Scale Solar Facility that has reached the end of its useful life, ceases to generate power, or has been abandoned shall be decommissioned. Abandonment occurs when the Large-Scale Solar Facility ceases to generate and transmit electricity at least 10% or more of the permitted capacity beyond the point of interconnection to the public utility for a period of 12 consecutive months, except in the case of a force majeure event. Decommissioning shall consist of the (i) physical removal of all components, structures, equipment, security barriers, and utility lines; (ii) disposal of all solid and hazardous waste in accordance with local, State, and Federal waste disposal requirements and at licensed disposal facilities; and (iii) stabilization or re-vegetation of the site as necessary to minimize erosion., in which the Otis Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-ground foundations in order to minimize erosion and disruption to vegetation. Decommissioning activities shall be completed within 12 months of the date of discontinued operations or abandonment.

An Applicant must provide a Decommissioning plan, prepared by a Maine licensed Professional Engineer, detailing the methods for decommissioning that includes the following information:

1. Anticipated life of the project.
2. Anticipated present value of decommissioning. Decommissioning salvage value and land restoration costs shall be included in the decommissioning cost calculation. The plan shall specifically include a breakdown of each task, including but not limited to the following:
	* + 1. Project management
			2. Removal of solar modules, panels, trackers, and other components
			3. Removal of tracker and panel foundations
			4. Removal of electrical collection systems (including wires, lines, poles)
			5. Removal of fences
			6. Site and road restoration.
3. An explanation of the calculation of the cost of decommissioning, including project management, labor, equipment, and transportation costs.
4. Physical plan for decommissioning.
5. Any other provisions applicable as set forth in 35-A M.R.S. sections 3491-3496 “Solar Energy Development Decommissioning” and State regulations, as may be amended from time to time, governing solar energy developments and decommissioning.
6. A surety to cover 120% of the cost of decommissioning, to be updated every 5 years from the date of the Solar Permit using the types of estimate sources listed above. If the estimated cost increases by more than 10% from the previous estimate, the permittee shall provide additional security in the amount of the increase or re-issue an updated surety.

The surety must be in a form acceptable to the Otis Select Board and Town Attorney (e.g., interest bearing escrow account; irrevocable letter of credit; bond issued by entity listed on U.S. Treasury Department Circular 570 or successor document), and may be a condition of approval prior to commencement of any construction activities.

1. Additional Conditions of Approval
	1. Reporting. As a condition of approval, the Applicant/Permittee shall provide an annual report within 120 days of the end of the calendar year, regarding the Large-Scale Solar Facility for the prior year period. The annual report shall summarize the activities of the permittee and include, without limitation, a description of environmental management and compliance items with all applicable approvals. Such reporting requirements shall also apply to any post-operations phase of the project until decommissioning is complete.
	2. NFPA 1, Fire Prevention Code; Electrical Code. All Large-Scale Solar Facilities shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection (NFPA) 1, Fire Prevention Code, and in compliance with the latest edition of the National Electrical Code (NFPA 70).
	3. Compliance with Laws/Regulations. As a condition of approval, the Applicant/Permittee shall comply with all local, state, and federal laws and regulations applicable to the Large-Scale Solar Facility.

**SECTION 9 – APPLICATION REVIEW.**

Upon submission of a Solar Permit Application (“Application”), the Otis Planning Boad shall review the Application for completeness with reference to the submission requirements of this Ordinance, including responsive information to Local Standards. A completeness determination does not involve any substantive review on whether an ordinance standard is met or not, but rather whether an Application contains sufficient information to advance the review process to a substantive review. It is customary and expected that even though an Application may be deemed complete, additional or supplemental materials may be requested or submitted as part of the review process.

An Applicant shall pay all reasonable and customary fees, e.g., advertisements and mailings, as well as any expert fees as may be required incurred by the Town that are necessary to review the Application and provide recommendations to the Planning Board on whether the Large-Scale Solar Facility meets the requirements of this Ordinance.

Upon determining an Application is complete, the Planning Board shall schedule a public hearing on the Application within 60 days of its completeness determination, unless the Applicant agrees to an extension. Notice of the public hearing shall be published in a newspaper of general circulation in the Town of Otis at least 10 days in advance of the public hearing. Abutters shall receive a notice by mail, using the most current mailing records of the Town of Otis tax records, which shall be mailed at least 14 days in advance of the public hearing. For the purposes of this provision, abutters are any property owners identified in the most current mailing records of the Town of Otis tax records that are within 500 feet of the property lines of the property where the Large-Scale Solar Facility is proposed to be located. Any failure of an abutter to receive a notice shall not invalidate the public hearing.

At the conclusion of a public hearing, the Planning Board shall have 45 days to render a decision and issue a written Notice of Decision, unless the Applicant agrees to an extended time period. A written Notice of Decision must contain written findings of fact and conclusion of law explaining the rationale for an approval, approval with conditions, or denial, with reference to applicable standards of this Ordinance. Any failure to schedule a public hearing or render a decision and written Notice of Decision shall constitute a deemed denial.

**SECTION 10 – AUTHORIZATION TO CONSTRUCT AND OPERATE LARGE-SCALE SOLAR FACILITY.**

Upon issuance of a Solar Permit to construct and operate a Large-Scale Solar Facility, the permittee is authorized to construct and operate for as long as the Permittee obtains and maintains valid permits, licenses, and approvals under state and federal laws and regulations and complies with the provisions of this Ordinance.

**SECTION 11 – ENFORCEMENT.**

The Otis Code Enforcement Officer shall have the authority to enforce the provisions of this Ordinance and, if necessary, refer any unresolved asserted violations to the Otis Select Board for further action.

Upon issuance of any Notice of Violation (“NOV”), the Otis Code Enforcement Officer and Permittee shall meet to discuss the alleged violations and potential resolution. If the violation has not been resolved, then the Code Enforcement Officer shall issue a “Final NOV”, which shall be a final decision appealable to the Otis Select Board.

In addition, when the above actions do not result in the correction or abatement of a violation, the Otis Select Board may institute any and all actions and proceedings appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Otis including without limitation the provisions of 30-A M.R.S. § 4452.

**SECTION 12 – APPEALS.**

Any final decision under this Ordinance concerning the issuance or non-issuance of a Solar Permit may be appealed to the Otis Board of Appeals, which conduct an appellate hearing and may only reverse the decision of the Planning Board based if factual findings are unsupported by substantial evidence in the record, it is arbitrary or capricious, or contains error of law. To remove any doubt, any decision regarding a permit must be marked “Final Decision” and include the date of issuance. In conducting an appellate review, the Appeals Board provides a degree of deference to the Planning Board on factual findings (i.e., substantial evidence test) while it reviews legal issues independently in interpreting this Ordinance.

Any final decision by the Code Enforcement Officer under this Ordinance concerning an enforcement decision or order may be appealed to the Otis Select Board within 30 days of the date the final decision is issued. To remove any doubt, any decision regarding enforcement must be marked “Final Decision” and include the date of issuance.

The Otis Select Board shall conduct a *de novo* standard of review of such appeals. Any final decision of the Otis Select Board concerning an enforcement matter may be appealed to the Maine Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

**SECTION 13 – SEVERABILITY.**

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

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**OTIS BOARD OF SELECTMEN**

**ORDINANCE CERTIFICATION PURSUANT TO 30-A M.R.S. § 3002**

The undersigned Otis Select Board hereby certify this “Town of Otis, Maine Large-Scale Solar Facility Ordinance”, a copy of which has been provided to the Otis Town Clerk to be kept as a public record with copies made available for distribution to voters and at the Special Town Meeting on August 14,2024 at 5:00 PM at the Otis Town Office, 132 Otis Road, Otis, Maine.

**Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

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James Dunn

Board of Selectmen

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Kevin Copeland

Board of Selectmen

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Faith Colburn

Board of Selectmen