

## SECTION 4. NON-CONFORMING STRUCTURES

### A. Expansions

A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, as defined in paragraph 4.E.2 below, and is in accordance with subparagraphs ~~(1) and (2)~~ 1 through 4 below.

~~1.~~ Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.

~~1. a.~~ Expansion of ~~any portion of a structure, any portion of which is located~~ within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

~~2. b.~~ Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

~~3. c.~~ For structures, any portion of which is located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, expansion shall not cause the maximum combined total floor area for all portions of those structures to exceed 1,000 square feet. ~~and The maximum height of any portion of such a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is~~ may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

~~4. d.~~ For structures, any portion of which is located less than 100 feet, horizontal distance, from the normal high water line of a waterbody, expansion shall not cause the maximum combined total floor area for all portions of those structures to exceed is 1,500 square feet. ~~and The maximum height of any portion of such a structure may not be made greater than is~~ 25 feet or the height of the existing structure, whichever is greater. ~~except that any portion of those structures located less than 75 feet from the normal high water line of a water body, tributary stream, or upland edge of a wetland must meet the floor area and height limits of paragraph (c).~~

~~e.~~ Expansion of a structure(s) partially located within 100 feet of the normal high water line of a waterbody is subject to Site Review by the Planning Board under the provisions of this Ordinance if the structure(s) is proposed to exceed 1500 square feet of floor area. ~~In no case shall such a structure or portion of a structure exceed 1500 square feet within the 100 foot setback. Further, if such structure is also partially located within 75 feet of the normal high water line of a waterbody or upland edge of a wetland, that portion of the structure is also subject to the limitations set forth in paragraph (c) above.~~

### B. Foundations ~~2.~~

Whenever a new, enlarged or replacement foundation is constructed beneath an existing non-conforming structure, the development is subject to Planning Board Site Review and the structure and new foundation shall be placed such that the setback requirements are met to the greatest practical extent as determined by the Planning Board in accordance with paragraph 4.E (1-2) below. ~~basing its decision on:~~ The following requirements must also be met:

1. The completed foundation will not extend beyond the exterior dimensions of the structure, except for expansions in conformity with Section 4.A above; and

2. The foundation will not cause the height of the structure to be elevated by more than three (3) additional feet or the height of the existing structure if it exceeds the maximum allowable height, whichever is greater.

- ~~a) the criteria specified in paragraph B Relocation, below;~~
- ~~b) that the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansions in conformity with Section 4.A.1 above; and~~
- ~~c) that the foundation does not cause the height of the structure to be elevated by more than three (3) additional feet or the height of the existing structure if it exceeds the maximum allowable height, whichever is greater.~~

If the new foundation includes a basement and the structure is relocated ~~to be~~ at least 50 feet from the normal high-water line of a waterbody, then the foundation shall not be considered ~~to be~~ an expansion of the floor area of the structure.

### C. B. Relocation

1. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located, subject to Planning Board review, provided the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board in accordance with paragraphs 4.E (1-2) below, and provided:

- a) the applicant demonstrates the present subsurface sewage disposal system meets the requirements of the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the Law and said Rules,
- b) any expansion of a relocated structure shall be in conformance with the provisions of paragraph 4.A above; any expansions to the relocated structure do not exceed the expansion limitations set forth in Article 3, Section 4.A.1, or the size of the original structure, whichever is greater, and
- c) the structure is not relocated in a manner that causes the structure to become more non-conforming.

2. When it is necessary to remove vegetation in order to relocate a structure, that vegetation shall be replaced in accordance with the standards of paragraph 4.F below.

2. In determining whether the building relocation meets the setback to the "greatest practical extent," the Planning Board shall consider, among other factors, the size of the lot, the slope of the land, the height of the building, the potential for soil erosion, the location of other structures on the property and or adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, the type and condition of the building's foundation, and the type and amount of vegetation to be removed to accomplish the relocation.

~~When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:~~

- ~~(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.~~

~~, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.~~

- ~~(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.~~

~~Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed~~

#### DC. Reconstruction or Replacement

1. Any non-conforming structure which fails to meet the requirements of this Ordinance, and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction or removal and provided that such reconstruction or replacement is in compliance with all requirements of this Ordinance to the greatest practical extent as determined by the Planning Board ~~in accordance with as referenced in paragraph 4.E.(1-2)B.2 above below. Except that s-~~ Such a structure may be reconstructed or replaced with a permit from the Code Enforcement Officer if it is in conformance with all requirements of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. A reconstructed or replacement structure shall not be any larger than the original structure, except as allowed pursuant to paragraph 4.A above. When it is necessary to remove vegetation in order to replace or reconstruct a structure, that vegetation shall be replaced in accordance with the standards of paragraph 4.F below. native to the area must be replanted or the area otherwise stabilized.

2. Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

~~3. In determining whether the building reconstruction or replacement meets the setback requirements to the greatest practical extent, the Planning Board shall consider in addition to the criteria in paragraph B (Relocation) above, the physical condition and type of foundation present, if any.~~

#### E. Setback conformity to the Greatest Practical Extent

1. In determining whether the building relocation, reconstruction or replacement, or the construction of a new, enlarged or replacement foundation beneath an existing non-conforming structure meets the setback requirements to the "greatest practical extent," the Planning Board shall consider all relevant among other factors including, but not limited to: the size of the lot, the slope of the land, the height of the building, the potential for soil erosion, the location of other structures on the property and/or adjacent properties, the location of the septic systems, the location of any existing easements, the type and condition of the building's foundation, and the type and amount of vegetation to be removed to accomplish the relocation. Further, the Planning Board shall determine that such relocation, reconstruction, replacement or foundation construction does not cause an "increase in non-conformity" as defined in paragraph 4.E.2 below.

2. For purposes of this section, "increase in non-conformity" means further deviation from the dimensional standard(s) creating the non-conformity such as, but not limited to, reduction in waterbody, wetland, road, or property boundary setback distances, increase in lot coverage, or increase in height of a structure, except that the permitting authority may allow a decrease of the required non-waterbody or non-wetland setback distance(s) of up to 50% if:

- a) That decrease results in an increase in the setback distance from the waterbody/wetland; and,
- b) The sum of all dimensional setback distances remains the same or is increased; and,
- c) No objection to such setback decrease is expressed prior to the close of the public hearing on the application that includes the decrease, by any abutter potentially affected; and,
- d) Any such decrease is otherwise consistent with the provisions of the Land Use Ordinance.

NOTE: Example: Required setbacks are: 100 feet from water, 20 feet from side property lines, and 50 feet from roads. An existing non-conforming house/foundation is 30 feet from the water and meets all other setbacks. Proposal is to move the house/foundation back to 90 feet from the water, a gain of 60 feet in conformity. However, to achieve this, the house/foundation will now be 15 feet from each side setback and 40 feet from the road. That is an increase in non-conformity of 20 feet (5+5+10), for a net gain of 40 feet in conformity (60-20). This results in an increase in setback from the water and an increase in the sum of all setbacks.

## F. Vegetation Removal and Replacement

1. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate, reconstruct or replace a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which any ~~the relocated structure was~~ is removed or relocated must be replanted with vegetation consisting of grasses, shrubs, trees, or a combination thereof. Replanting shall be required as follows:

2. Trees removed in order to relocate, reconstruct or replace a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

3. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate, reconstruct or replace a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or destroyed must be re-established within the setback area. The vegetation and/or ground cover that was disturbed, destroyed or removed.

~~Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.~~

## G.D. Change of Use of a Non-Conforming Structure

1. The use of a non-conforming structure shall not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use shall not have a greater adverse impact on the water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use.
2. In determining that no greater adverse impact shall occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on the public safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources and functionally water-dependent uses.

## H.E. Accessory Structures

1. One non-conforming accessory structure not to exceed eighty (80) square feet in floor area, nor eight (8) feet in height, may be placed on a legally-existing non-conforming lot of record for the storage of the personal property of the property owner only, provided all of the following conditions can be met:
  - a) there is no existing storage building on the lot,
  - b) there has been no conversion of a previously existing storage building to another use,
  - c) there is no location on the lot on which to locate a fully conforming building,
  - d) the building does not cause the lot to exceed any applicable lot coverage or vegetation clearing limitations;
  - e) no utilities are connected to the structure;
  - f) the proposed structure is located to conform to all setbacks requirements to the greatest practical extent and located no closer to the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland than is the principal structure, and
  - g) A permit is obtained from the Code Enforcement Officer prior to placement or construction of the storage building.

- f. The following areas when they are located within 250 feet horizontal distance of the normal high-water line of a great pond; within 250 feet of the upland edge of a wetland; and, within 75 feet, horizontal distance, of a stream:
  - (1) Important Wildlife habitat.
  - (2) Natural sites of significant scenic or aesthetic value.
  - (3) Areas designated by federal, state and local government as natural areas of significance to be protected from development.
  - (4) Existing areas of public access and certain significant archeological and historic sites.

7. Stream Protection District

The Stream Protection District includes all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream as defined in Article 11 and other streams of local significance designated on the Official Land Use Map, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond, or within 250 feet, horizontal distance of the upland edge of a freshwater wetland. Where a stream and its 75 foot shoreland area is located within the 250-foot shoreland area of a great pond or a freshwater wetland, that land area shall be regulated under the terms of the district in which the great pond or wetland are located.

8. Commercial and Industrial District

The Commercial and Industrial District is established for the purpose of allowing the opportunity for large scale commercial, ~~or industrial, or uses~~ infrastructure uses to locate or expand in the community if this can be accomplished with minimal negative impact, although large scale commercial operations are generally not in keeping with the Town's character. This district is the only district which may accommodate commercial ~~and industrial or infrastructure~~ uses with structures in excess of 5,000 square feet. This ordinance seeks to ensure that proposed uses are compatible with existing uses and the rural character of the Town, and are protective of natural resources and visual quality. Land proposed for designation as commercial/industrial/infrastructure shall follow the adoption procedures in Article 9.

9. Academic District

The Academic District is comprised of land areas that support development of educational institutions and effective delivery of their programs and activities including housing, health care, and food services. The purpose of this designation is to ensure a homogeneous pattern of development on land now occupied by educational institutions focused exclusively on accommodation of the institution's development needs and excluding unrelated residential, commercial and industrial uses. In the Academic District, only uses which directly support or relate to the principal permitted academic use shall be permitted.

B. Overlay District

Mobile Home Park District

The Mobile Home Park District may accommodate mobile home parks and developments where designated on the Town of Readfield Land Use Map, subject to the requirements of the underlying district.

**SECTION 5. LAND USES**

Land Uses permitted in Readfield are shown on Table 1 (Table of Uses) by the type of review required or not required within each land use District under this Ordinance. Required permit review shall be secured prior to obtaining the appropriate building, plumbing or other applicable construction permits in accordance with the procedures and processes described in this Ordinance.

For any land uses not specifically identified in Table 1, the following type of review required or not required within each land use district shall apply: The Code Enforcement Officer shall make the final determination on the appropriate review for any land use not listed.

1. Uses similar to uses requiring a permit from the CEO and/or LPI shall require a permit from the CEO and/or LPI
2. Uses similar to uses requiring Planning Board approval shall require Planning Board approval.
3. Uses similar to allowed uses are permitted.
4. Uses similar to prohibited uses are prohibited.

**TABLE 1 /  
TABLE OF USES**

	<i>LAND USE DISTRICTS</i>									<i>Overlay District</i>
	<b>V</b>	<b>VR</b>	<b>AD<sup>9</sup></b>	<b>R</b>	<b>RR</b>	<b>SR</b>	<b>RP</b>	<b>SP</b>	<b>CID</b>	<b>MH</b>
Hotel/Motel	P	N	N	P	N	N	N	N	P	U
Indoor Theater	P	N	P	P	N	N	N	N	P	U
Office: Business Professional/Medical	P	N	P	P	N	N	N	N	P	U
Printing/Photography	P	N	N	P	N	N	N	N	P	U
Redemption Centers	P	N	N	P	N	N	N	N	P	U
Retail Fuel Distributor (Petroleum Prod.)	P	N	N	P	N	N	N	N	P	U
Retail Business	P	N	P	P	N	N	N	N	P	U
Veterinary Hospital	P	N	N	P	N	N	N	N	P	U
Service Business	P	N	<del>N</del> P	P	N	N	N	N	P	U
Wholesale Business	P	N	N	P	N	N	N	N	P	U
Junkyard/Automobile Graveyard/Automobile Recycling	N	N	N	P	N	N	N	N	P	U
<b>INDUSTRIAL<sup>3</sup></b>										
Accessory Structure	P	N	N	P	N	N	N	N	P	U
Light Industry	P	N	N	N	N	N	N	N	P	U
Heavy Industry	N	N	N	N	N	N	N	N	P	U
Recycling Operation	P	N	N	P	N	N	N	N	P	U
Sludge Spreading	N	N	N	P	N	N	N	N	N	N
Terminal for Bulk Oil & Gas	P	N	N	P	N	N	N	N	P	U
Trucking, including Distribution Terminal	P	N	N	P	N	N	N	N	P	U
Warehousing and Storage	P	N	N	P	N	N	N	N	P	U

**Legend**

<i>Land Use Districts</i>			<i>Overlay District</i>
V = Village District	R = Rural District	SP = Stream Protection	MH = Mobile Home
VR = Village Residential	RR = Rural Residential	RP = Resource Protection	
AD = Academic District	SR = Shoreland Residential	CID = Commercial Industrial	

**Key to Table of Uses**

Y =	Allowed Use (no permit required, but the use must comply with all applicable federal, state and local standards and regulations, including but not limited to this Ordinance).
C =	Use requires review and permit from Code Enforcement Officer (CEO) and/or Local Plumbing Inspector (LPI).
P =	Use requires site review from Planning Board, and requires a permit from the CEO and LPI upon Planning Board approval.
N =	Prohibited Use
U =	Use shall comply with underlying District requirements.
N/A =	Not applicable to the district.

**TABLE 1 /  
TABLE OF USES**

	<i>LAND USE DISTRICTS</i>									<i>Overlay District</i>
	<b>V</b>	<b>VR</b>	<b>AD<sup>9</sup></b>	<b>R</b>	<b>RR</b>	<b>SR</b>	<b>RP</b>	<b>SP</b>	<b>CID</b>	<b>MH</b>
Waste Handling Facility	N	N	N	N	N	N	N	N	P	N
<b>INSTITUTIONAL</b>										
Accessory Structure	C	C	C	C	C	N	N	N	N	U
Church/Synagogue/Parish House	P	P	P	P	P	N	N	N	N	U
Civic/Convention Center	P	N	P	P	N	N	N	N	N	U
Community Centers/ Clubs	P	N	P	P	<del>P</del> -N	N	N	N	N	U
Community Living Arrangement <ul style="list-style-type: none"> <li>• up to 8 persons</li> <li>• more than 8 persons</li> </ul>	C P	C P	C P	C P	C P	C P	P <sup>5</sup> N	C <sup>6</sup> N	N N	C U
Day Care Facilities <ul style="list-style-type: none"> <li>• 3 to 12+</li> </ul>	P	P	P	P	P	P	N	N	P	U
Nursing Home	P	N	N	P	N	N	N	N	P	N
Hospital/Medical Care	P	N	P	P	N	N	N	N	N	U
Government Uses	P	P	P	P	P	N	N	N	N	P
Museum/Library	P	N	P	P	N	N	N	N	N	U
Public/Private School	P	P	P	P	P	P	N	N	N	U

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**Key to Table of Uses**

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P =	Use requires site review from Planning Board, and requires a permit from the CEO and LPI upon Planning Board approval.
N =	Prohibited Use
U =	Use shall comply with underlying District requirements.
N/A =	Not applicable to the district.

3. Land uses classified as commercial, industrial or institutional shall have a minimum of 300 feet of shore frontage.
4. Structures in compliance with the Telecommunication Towers Ordinance and agricultural structures not within a Shoreland District and not used as dwellings are exempt provided height shall not at any time place structures or potential structures on adjacent lots in jeopardy should exempt or extended structures collapse for any reason or cause.
5. Any increase in the height of a structure above that which is permitted in this Ordinance requires a variance from the Board of Appeals.
6. Steps, stairways, ramps or similar structures may be allowed within the required setback area with a permit from the Code Enforcement Officer as may be necessary to provide for a secondary means of egress from a legally existing dwelling, provided: the structure is limited to a maximum of four (4) feet in width, and that the applicant demonstrates there is no reasonable alternative means of escape from the dwelling. The Code Enforcement Officer may impose conditions to any approval as necessary to insure conformance with the purposes and provisions of the setback requirements of this Ordinance to the greatest practical extent.
7. Within the Village or Village Residential Districts or Commercial Industrial Districts, the 50 ft. setback requirement may be reduced to not less than 25 ft. provided the applicant has submitted a stormwater management and erosion control plan prepared by a qualified professional clearly demonstrating the following: (a) the on-site treatment of peak discharge rates of stormwater and erosion control utilizing the design principles set forth in Article 8, Sections 10 and 11; (b) the implementation for the stormwater treatment and erosion control plan; and (c) the approval for this setback reduction is a written part of the permit.
8. Must conform to requirements of underlying district.
9. This provision applicable to all lots created after September 15, 2004. When a lot borders both a waterbody and a road, the lot depth to frontage ratio shall be based on the frontage of the waterbody.
10. Water-dependent structures, such as docks, are not subject to Waterbody or wetland setbacks but remain subject to all other setback requirements for structures in the District in which they are located, except as allowed by the Planning Board under Article 8, Section 19.N
11. Side setbacks are not applicable where only a common wall separates the individual ownership of units in a multi-unit structure.
12. In the Resource Protection District the setback requirement shall be 250 ft., horizontal distance, from all water bodies, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district, in which case the setback requirements specified in Table 2 Dimensional Requirements shall apply.
13. In the Village District, setbacks may be reduced by up to five (5) feet for accessory structures, provided there is no alternative location that meets setbacks to the greatest practical extent, as determined by the Code Enforcement Officer applying the standards set forth in Article 3, Section 4.E.1.
14. For single-lot divisions or conventional subdivision development. The Planning Board may approve reductions in dimensional standards for cluster development described in Article 8, section 21.
15. Except for cluster development (see Article 8, section 21).
- 16 Article 3, Section 4, NON-CONFORMING STRUCTURES shall be applied to structures that do not meet the water body or wetland setbacks.



commercial uses, planned, developed as a whole, or in a programmed series of developments, and controlled by one developer which contemplates an innovative, more compact grouping of dwelling units or other uses. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the conservation of natural characteristics of the land.

**Cluster Subdivision:** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space. Such open space or the development rights of that open space shall be owned in common by lot/unit owners, the Town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

**Code Enforcement Officer:** A person appointed by the Town Manager to administer and enforce this Ordinance. Reference to a Code Enforcement Officer may be construed to include Building Inspector, Electrical Inspector, Plumbing Inspector and the like when applicable.

**Commercial Establishment:** Establishments that render goods and/or services primarily on a retail basis which are customarily carried on in a building specifically for that purpose, such as retail stores, service stations, restaurants, etc. Lawn and garage sales, conducted for more than 14 calendar days in any year, shall be subject to site review requirements of Article 6, Section 3, and Planning Board approval.

**Commercial Recreation:** Any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to: campgrounds, racquet and tennis clubs, health facilities, amusement parks, golf courses, gymnasiums and swimming pools, etc., but not including: bowling alleys or amusement centers, as defined herein.

**Common Shoreland Access:** The use of any shorefront property to provide a point of access for the occupants of three or more dwelling units, whether accomplished through ownership, lease, easement, or any other arrangement.

**Communication Tower:** A structure on which commercial transmitting and/or receiving devices are located.

~~**Community Center, Club:** A building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and are not engaged in activities customarily carried on by a business or for pecuniary gain.~~

**Community Center or Club:** A community center or club is primarily engaged in activities that are generally not-for-profit and are not activities that are customarily carried on by a business or for financial gain, although occasional fund-raising activities may take place. The activities are generally the type carried on by a civic, educational, social, political, fraternal or cultural organization.

**Conforming:** A building, structure, use of land, or portion thereof, which complies with the provisions of this Ordinance.

**Commercial Scale Wind Energy Systems:** A wind energy conversion system which:

- has a rated capacity greater than 100 Kilowatts; and/or
- produces electrical power primarily for sale; and/or

**Re-subdivision:** The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot line, including land transactions by the applicant not indicated on the approved plan.

**Retail Business:** A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

**Right-of-way:** A strip of land acquired by deed, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

**Road:** Any route for vehicle access other than a driveway.

**Road Committee:** Individuals appointed by the Select Board for advising the Road Commissioner.

**Rooming/Boarding House:** A residential use consisting of at least one dwelling unit together with one or more rooms that are rented or intended to be rented to more than one occupant (s), but which rooms, individually or collectively do not constitute separate dwelling units. A rooming or boarding house is designed to be occupied by longer-term residents as opposed to overnight guests.

**Seasonal Conversion:** Any development to seasonal dwelling which has the effect of rendering that structure habitable for year-round occupancy (see Article 8, section 27).

**Screening:** See Buffers/Screening

**Service Business:** A form of business providing different types of labor services in a wide variety of business sectors, including but not limited to: professional (e.g. law, accounting, medical, banking, insurance, brokerage, etc.), lawn and landscaping services, contracting and building services, fabrication, repair, and cleaning services, pet grooming and hair salons, funeral homes, catering, delivery, rental, and telecommunications.

**Setback:** The minimum horizontal distance from a road, lot line or normal high-water line of a water body, tributary stream or upland edge of a wetland to the nearest part of any structure.

**Shared Driveway:** A driveway jointly owned by the owners of the properties it gives access to, either owned in common or with reciprocal right-of-way easements legally described on a deed. A shared driveway comprises the entire width of its easements as extending from the public way to which it is attached, to the point at which it serves only one lot. All lots which contain a portion of the shared driveway or its easement shall be deemed to be served by the shared driveway whether or not the lots have alternate access to another road. The shared driveway does not create frontage for any lots. (See Article 8, section 18.E for additional standards).

**Shoreland District:** All land area located within the Shoreland Residential, Resource Protection, and Stream Protection Districts as described in Article 7, Section 4.

**Shoreline:** The normal high-water line, or upland edge of a wetland.

**Sign:** See Article 8, Section 14H (Definitions), or as amended.

**Significant Sand and Gravel Aquifer:** A deposit of ice-contact and glacial outwash sediment that

## **Appendix B**

### **Other Town Ordinances Relating to Land Use**

**The following additional documents are adopted by reference as an integral part of this Land Use Ordinance and are found on file with the Town Clerk.**

- A. Noise Standard Ordinance; adopted June 11, 1998.
  
- B. An Ordinance Regulating Storage and Land Application of Sludge and Other Residuals; adopted September 21, 1998 and amended February 22, 1999, June 14, 2001, December 9, 2002 and September 15, 2004.
  
- C. Telecommunications Towers Ordinance, adopted June 11, 1998 and amended February 22, 1999 and May 15, 2008.
  
- D. Floodplain Management Ordinance adopted February 10, 1997 and amended June 11, 2009.
  
- E. Town of Readfield Solar Ordinance adopted June 8, 2021

enforcement action shall be taken to achieve compliance as specified in Article 2, Section 1 of the LUO.

16. You are advised that commencing development or use of your property within 45 days of this notice of decision is at your own risk, even as approved by the Planning Board. During the 45-day period, any party aggrieved by the Planning Board decision may file an appeal with the Board of Appeals to overturn, amend, or further condition this Planning Board, CEO/LPI decision.

Subdivisions are also subject to the following additional conditions:

17. Unless otherwise approved by the Planning Board, all subdivision site improvements, including the conveyances of any proposed easements, must be completed prior to the issuance of any lot use or development permits.

18. Land use permits approved for subdivisions shall be permanent and shall "run with the land." In the event the permittee transfers any or all interest in this permit with any transfer of right, title, or interest to this land, the purchaser or lessee may assume all permissions granted by the permit and shall be responsible for complying with all standard and special conditions of the approval.

19. All recorded subdivision plans shall contain the following statement: "The revisions to this subdivision plat/plan/deeds shall be approved by the Readfield Planning Board as in Title 30-A M.S.R. Section 4407."

20. Any approval, amendment or revision thereto of any subdivision plan or plat shall be recorded with the Kennebec County Registry of Deeds within ninety (90) days of this approval or prior to commencing the activity, whichever occurs first, unless the condition for recording states otherwise. Attested copies or other proof of recording of these recorded documents shall be forwarded to the Code Enforcement Office within thirty (30) days of the date of recording or prior to the issuance of any additional permits, whichever occurs first. All costs associated with recording these documents shall be paid by the permittee.

As adopted March 17, 1987 then amended on September 0, 1988, November 2, 1999, March 6, 2001, November 7, 2006, and June 11, 2019, June 8, 2021.

**ARTICLE 9**  
**COMMERCIAL, ~~AND INDUSTRIAL~~ COMMERCIAL, INDUSTRIAL AND INFRASTRUCTURE**  
**DISTRICT**  
**ADOPTION PROCEDURE**

**SECTION 1. PURPOSE**

The purpose of the ~~Commercial and Industrial~~Commercial, Industrial and Infrastructure District designation process shall be to allow the opportunity for large-scale ~~commercial and industrial~~commercial, industrial and infrastructure activities to locate and expand within the Town in keeping with the character of the community.

The procedures contained in this section require that any land proposed to be placed in a ~~Commercial and Industrial~~Commercial, Industrial and Infrastructure District and its subsequent proposed use be reviewed by the Planning Board and then presented to the Town Meeting for approval. After the District is created, each land use, structure and building proposed for the district is required to obtain Site Review approval from the Planning Board.

**SECTION 2. STANDARDS**

All proposals for a ~~Commercial and Industrial~~Commercial, Industrial and Infrastructure District shall meet the following standards:

- A. The proposed zoning change shall be consistent with the Town of Readfield Comprehensive Plan and shall be in keeping with the Town's rural character.
- B. The proposed use shall be compatible with the surrounding area with respect to rural character, existing uses and anticipated development.
- C. The proposal shall serve the public good, safety or welfare of the Town of Readfield.
- D. The proposal shall be protective of all natural resources including significant wildlife habitat.

**SECTION 3. GENERAL REQUIREMENTS**

The applicant shall comply with the following requirements and restrictions:

- A. Only conditions and restrictions that relate to the physical development or operation of the property shall be included in the proposal.
- B. A ~~Commercial and Industrial~~Commercial, Industrial and Infrastructure District proposal shall not include any provision or condition that limits or restricts the Town of Readfield zoning authority.
- C. Areas currently within a Village Residential District shall not be eligible for a ~~Commercial and Industrial~~Commercial, Industrial and Infrastructure District designation.
- D. Land uses within a ~~Commercial and Industrial~~Commercial, Industrial and Infrastructure District shall be limited to those allowed in the Table of Uses in Article 7 for the district as designated at the time of application for a ~~Commercial and Industrial~~Commercial, Industrial and Infrastructure designation.

- E. The terms, conditions and restrictions of the zoning agreement shall run with the land and bind all future owners of the land or any other person who claims an interest in the property.
- F. All development and use of the proposed re-zoned property shall comply with all applicable standards and requirements in this Ordinance.
- G. Any conditions or requirements placed upon the proposed rezoning may be more restrictive but shall not be less restrictive than the applicable requirements of this Ordinance.
- H. An agreement containing all conditions and restrictions of a ~~Commercial and Industrial~~Commercial, Industrial Infrastructure District proposal shall be recorded in the Kennebec County Registry of Deeds within 10 days of the date that it is approved at the Town Meeting. The rezoning shall not become effective until the agreement is recorded.
- I. Any violation of the terms, conditions and the restrictions contained in the zoning agreement shall be violations of this Ordinance and subject to applicable enforcement standards. A statement to this effect shall be included in the zoning agreement.
- J. The proposed site has an existing or proposed- access to a town, state-aid highway or state road.
- K. The proposal contains provisions for a buffer area along all property lines sufficient to screen adjacent land uses. A landscape buffer area shall be provided along the road frontage that allows for safe access to the site and also sufficiently screens any development from public view.
- L. The site plan shall show the future locations of all proposed structures or provide a written set of design standards for the placement of future structures. Structures shall be located on the site in a manner so as to protect the environment, minimize off-site impacts such as noise, light, and odors, provide the maximum visual screening from adjacent roads and property, and be in keeping with the Town's character.
- M. The proposal shall include a list of those uses planned to be developed in the ~~Commercial and Industrial~~Commercial, Industrial and Infrastructure District.

#### SECTION 4. APPLICATION REQUIREMENTS

- A. The applicant for a ~~Commercial and Industrial~~Commercial, Industrial and Infrastructure District proposal shall submit an -application to the Code Enforcement Officer.
- B. The application shall include the following:
  1. A survey plan of the site showing all applicable details required in Article 6, Section 3.J.1.c.
  2. A narrative describing the proposal and how it specifically meets all the standards and requirements contained in this Article.
  3. A copy of the conditions and restrictions proposed for the property.
  4. A timetable indicating the start and completion dates of the development or construction in the proposed rezoned area.
- C. Application Procedure:

1. The applicant shall submit the rezoning application and fee to the Code Enforcement Officer. The Code Enforcement Officer shall issue a dated receipt to the applicant upon acceptance of the application. The Code Enforcement Officer shall review the application for completeness and within 10 days notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
2. The Code Enforcement Officer shall submit the complete application to the Planning Board for a public hearing.
3. The Planning Board shall hold a public hearing within 30 days of receipt of a complete rezoning application.
4. The Town shall publish notice of the hearing stating the purpose of the hearing and giving the date, time and place of the public hearing in a newspaper of general circulation in the area. The notice shall be published 2 times, not more than 14 days before and not less than 7 days before the public hearing.
5. The Town shall notify by first class mail the owners of all property within 500 feet of the property to be rezoned at least 20 days in advance of the public hearing. The notice shall include the date, time and place of the public hearing, and a description of the proposed rezoning proposal. The owners of property shall be considered those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. A list of all property owners that were mailed the public hearing notice shall be maintained and include the date the notice was mailed.
6. The Planning Board may continue the public hearing in order to conduct a site visit.
7. The Planning Board shall use the standards contained in Section 2 to make its recommendation upon the proposal. The Board may set conditions upon the application in order to further the purposes set forth in this section.
8. After reviewing the application, the Planning Board may vote to recommend the application, recommend the application with conditions or not to recommend the application.
9. The Planning Board's final recommendation upon the proposed re-zoning application shall be submitted to the Board of Selectmen to be placed on the Town Warrant for consideration at the next scheduled Town Meeting. The Town is not required to hold a special Town Meeting to consider the re-zoning proposal.
10. The Town Meeting shall consider the rezoning article and may vote to approve the application as submitted or deny the application.
11. The Selectmen shall sign the rezoning agreement and the Town Clerk shall attest that the proposal was approved at the Town Meeting. A copy shall be provided to the applicant, Planning Board and the Code Enforcement Officer.
12. The Planning Board shall amend the Land Use Map to show the location of the approved ~~Commercial and Industrial~~ Commercial, Industrial and Infrastructure District.
13. Any use, structure or building hereafter proposed for the ~~Commercial and Industrial~~ Commercial, Industrial and Infrastructure District shall be required to obtain Site Review approval according to the requirements of this Ordinance.

# TOWN OF READFIELD – SOLAR ORDINANCE

## Section 1. Title

This Ordinance shall be known and may be cited as the “Solar Ordinance”.

## Section 2. Purpose

The purpose of this ordinance is to establish a municipal review procedure and performance standards for Solar Energy Systems (SES), including those typically characterized as “solar farms”. These standards are intended to:

- a. Establish clear guidelines, standards and time frames for the Town to regulate Solar Energy Systems;
- b. Permit the Town to fairly and responsibly protect public health, safety and welfare;
- c. Minimize any potential adverse effect of solar development on surrounding land use;
- d. Provide for the decommissioning/removal of panels and associated utility structures that are no longer being used for energy generation and transmission purposes; and
- e. Support the goals and policies of the Comprehensive Plan, including orderly development, efficient use of infrastructure, and protection of natural, scenic, and agricultural resources.

## Section 3. Applicability

Solar Energy Systems (SES) are subject to location and permitting requirements as set forth in the Readfield Land Use Table (Article 7, Section 5) of the Land Use Ordinance. A Solar Energy System approved for construction prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing SES, whether or not existing prior to the effective date of this Ordinance, that expands or relocates the footprint of the SES, shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.

<b>Infrastructure</b>	V	VR	AD	R	RR	SR	RP	SP	CID	MH
Solar Energy System, Large-Scale	N	N	P	P	N	N	N	N	P	U
Solar Energy System, Medium-Scale	N	N	P	P	N	N	N	N	P	U
Solar Energy System, Small / Accessory-Scale – Ground Mounted	P	P	P	P	P	P	P	P	P	U
Solar Energy System, Small / Accessory-Scale – Roof Mounted	C	C	C	C	C	C	C	C	C	U

## Section 4. Definitions



## TOWN OF READFIELD – SOLAR ORDINANCE

Solar Energy System (SES): a solar photovoltaic cell, module, or array, or solar hot air or water collector device, including all Solar Related Equipment, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

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 largescale).

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).

Solar Energy System, Large-Scale. A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 4 acres (174,240 square feet), and/or that generates a nameplate capacity of 1 MW or greater.

Solar Energy System, Medium-Scale. A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 3,000 square feet but less than 4 acres (174,240 square feet), and/or that generates a nameplate capacity of 20 kW up to, but not including, 1 MW.

Solar Energy System, Small-Scale. Also known as an *Accessory-Scale System*. A Solar Energy System whose physical size based on total airspace projected over the ground is less than 3,000 square feet and/or that generates a nameplate capacity of less than 20 kW. Such a system may consist of one (1) or more freestanding ground, or roof mounted, solar arrays, or solar related equipment, and is intended to primarily reduce on-site consumption of utility power or fuels. Such a system generally occupies ~1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW or less).

Kilowatt (kW): a unit for measuring power that is equivalent to 1,000 watts.

Megawatt (MW): a unit for measuring power that is equivalent to one million watts, or 1,000 kilowatts.

Megawatt Hour (MWh): A megawatt hour is equal to 1,000 Kilowatt hours (Kwh). It is equal to 1,000 kilowatts of electricity used continuously for one hour.

Rated Nameplate Capacity. The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Energy. Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Array. A grouping of multiple solar modules with the purpose of harvesting solar energy.

Solar Farm. See *Solar Energy System*.

Solar Related Equipment. Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, fencing, foundations or other structures used or intended to be used for collection and management of solar energy.

Pure Tone. The simplest periodic sound: a constant sound created as a pressure disturbance that fluctuates sinusoidally as a fixed frequency.

### Section 5. Application and Permit Fee.

## TOWN OF READFIELD – SOLAR ORDINANCE

- A. Application Fee:
  - a. Solar Energy System, Large-Scale. The Application Fee is \$2,500.
  - b. Solar Energy System, Medium-Scale. The 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 6. Specific Application Requirements

In addition to the requirements listed in Article 6 of the Town's Land Use Ordinance, an application for a Large or Medium Scaled Solar Energy System Permit must also include the following, at the cost of the applicant:

- 1) A description of the owner of the SES, the operator if different, and detail of qualifications and track record to run the facility;
- 2) If the operator will be leasing the land, a copy of the agreement (minus financial compensation) clearly outlining the relationship inclusive of the rights and responsibilities of the operator, landowner and any other responsible party with regard to the SES and the life of the agreement;
- 3) A description of how and to whom the energy produced will be sold;
- 4) A copy of the agreement and schematic details of the connection arrangement with the transmission system (most likely Central Maine Power), clearly indicating which party is responsible for various requirements and how they will be operated and maintained;
- 5) The layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with local ordinances, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- 6) A description of the panels to be installed, including make and model, and associated major system components;
- 7) A construction plan and timeline, identifying known contractors, site control and anticipated on-line date;
- 8) An operations and maintenance plan, including site control and the projected operating life of the system; Such a plan shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation. Additionally, such plans shall include efforts to promote beneficial flora and fauna (e.g. honeybees, butterflies, etc.) as well as a commitment to not using pest-control substances (e.g. pesticides, herbicides, fungicides, and/or insecticides).

## TOWN OF READFIELD – SOLAR ORDINANCE

- 9) An emergency management plan for all anticipated hazards;
- 10) A stormwater management plan, certified by a licensed Maine engineer, that demonstrates stormwater from the SES will infiltrate into the ground beneath the SES at a rate equal to that of the infiltration rate prior to the placement of the system.
- 11) A background noise measurement for the site location as performed by a qualified professional.
- 12) Proof of financial capacity to construct and operate the proposed facility;
- 13) A decommissioning plan, including:
  - a) A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if 10% or less permitted capacity of electricity is generated for a continuous period of twelve (12) months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.
  - b) A description of the work required to physically remove all Solar Energy System and Solar Related Components, including associated foundations, buildings, cabling, electrical components, and any other associated facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing and subject to Planning Board approval.
    - i) At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Solar Energy System. Any changes to the approved decommissioning plan shall be subject to review and approval by the Planning Board.
  - c) An estimate of the total cost of decommissioning value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: panel removal, panel foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.
  - d) Demonstration in the form of a performance bond, surety bond, letter of credit, or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Solar Energy System the Applicant will have the necessary financial assurance in place for 150% of the estimated total cost of decommissioning, subject to a review of such cost by the Code Enforcement Officer. The financial assurance shall include a provision granting the Town the ability to access the funds and property and perform the decommissioning if the facility is abandoned or the Applicant or subsequent responsible party fails to meet their obligations after reasonable notice, to be defined in the agreement and approved by the Planning Board. For a Medium Scaled SES, the Applicant may propose securing the necessary

## TOWN OF READFIELD – SOLAR ORDINANCE

financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Solar Energy System.

- i) Note the applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Planning Board.

### Section 7. Standard for Approval

In addition to the Site Review standards and requirements included in Town's Land Use Ordinance, the following standards must also be met:

#### Large and Medium- Scaled Ground-Mounted Solar Energy Systems:

1. Lots - SES shall not exceed 20% coverage of a lot area. Lot coverage shall be calculated based on the total SES airspace projected over the ground. All SES should be designed and located to ensure solar and physical access without reliance on and/or interference to/from adjacent properties.
2. Legal Responsibilities - The Applicant must provide proof that it has authorization to construct, use and maintain the property and any access drive for the life of the project and including the decommissioning of the project. The roles and responsibilities of the system owner, operator, landowner and any other party involved in the project must be clear and meet the satisfaction of the Planning Board that the public interest is protected. The owner or operator of a Ground Mounted Solar Energy System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.
3. Deed Registration – Any Large or Medium Scaled SES system shall be incorporated into the description of the real property in the lot/property deed and registered with the Kennebec County Registry of Deeds as a condition of Planning Board approval.
4. Setback - Structures within a SES shall be setback a minimum of 200 feet from all lot lines. Any solar photovoltaic cells or arrays shall be subject to a maximum height of 10 feet above the ground surface. Associated SES structures shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.
5. Prohibited Locations – Components of a ground mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
6. Utility Notification - No grid-intertied photovoltaic system shall be installed until evidence has been given to the Planning Board that the applicant has an agreement with the utility to accept the power. Off-grid systems are exempt from this requirement.
7. Fence - Ground Mounted Solar Energy Systems shall be protected by a perimeter fence. Such fences shall allow for small wildlife passage and movement.

## TOWN OF READFIELD – SOLAR ORDINANCE

8. Signage - A sign shall be required to identify the owner/operator and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the any fence surrounding the SES informing individuals of potential voltage hazards.
9. Screening - Lots on which Ground Mounted Solar Energy Systems are located shall utilize buffers / screening from roads and residences by plantings, berms, and natural topographical features. Ground mounted SES shall be screened from view to the greatest extent practical of any adjacent property that is residentially zoned or used for residential purposes, as well as any public way. The screen shall consist of a vegetative barrier which provide a visual screen. In lieu of a vegetative screen, a fence that provides visual screening, and meets requirements of the controlling ordinance, may be allowed only if a vegetative screen is deemed impractical by the Planning Board.
10. Glare – All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
11. Noise – No noise generated by the SES or Solar Related Equipment shall be 10 decibels (dB) greater than the preconstruction / existing background level, nor generate a Pure Tone. The background noise limit will be based on background noise during the quietest period of the night, typically 3:00 am.
12. Lighting - Lighting shall be limited to that required for safety and operational purposes and shall be shielded from interference with abutting properties. Lighting of the SES shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution and shall otherwise comply with the provisions of Article 8, Section 15 of the Town of Readfield Land Use Ordinance. Other than required lighting, lighting shall not be used / visible between 9pm and 7am.
13. Impervious Assessment - The surface area of the arrays of a ground mounted SES, regardless of the mounted angle of any solar panels, may or may not be considered impervious contingent upon conformity with the stormwater management plan.
14. Utility Connections - Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
15. Emergency Services – SES owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall coordinate with local emergency services in developing an emergency response plan. A “3200 Series KNOX-BOX”, or agreed equivalent, shall be provided and installed by the operator to be

## TOWN OF READFIELD – SOLAR ORDINANCE

used to allow emergency service personnel continuous access. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

16. Maintenance Conditions - The SES owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, vegetative screening, fences, landscaping and plantings, and integrity of security measures. The SES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Site access shall be maintained to a level acceptable to the fire chief for emergency response. The owner or operator shall be responsible for the cost of maintaining the SES and any access road(s), including regular plowing of snow to maintain road access.
17. Satisfaction with All Aspects of Capacity and Plans Submitted -- The Planning Board must find that the Applicant has the capacity to finance, safely operate and decommission the SES.
18. Removal - When any portion of a ground mounted SES is removed, any earth disturbance must be graded and re-seeded, unless authorized for another developed use.
19. Alternatives Assessment - As determined by the Planning Board, if a proposed ground-mounted SES does not meet the standards in this Ordinance, associated Town LUO standards, or goals and objectives as established in the Town's Comprehensive Plan, then other potential suitable alternative area(s), on the lot(s) included in the application, where a SES can meet the Town's standards, goals, and objectives needs to be evaluated by the applicant. Alternative lot areas should be evaluated against those same Ordinance standards, and Town goals and objectives.
20. Preservation of Town's Character - All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with the character of the community via visual consistency with local neighborhood area, maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan, and associated Town planning documents.

### Small-Scaled Ground-Mounted Solar Energy Systems:

1. Lots - SES shall not exceed 10% coverage of a lot area. Lot coverage shall be calculated based on the total SES airspace projected over the ground. All SES should be designed and located to ensure solar and physical access without reliance on and/or interference to/from adjacent properties.
2. Setback - Structures within a SES shall be setback a minimum of 50 feet from the side and rear property lines and meet the front setback requirements for structures within the zoning district. Any solar photovoltaic cells or arrays shall be subject to a maximum height of 10 feet above the ground surface. Associated SES structures shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.

## TOWN OF READFIELD – SOLAR ORDINANCE

3. Prohibited Locations – Components of a ground mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
4. Signage - Solar energy systems shall not be used for displaying any advertising.
5. Screening - Lots on which Ground Mounted Solar Energy Systems are located shall utilize buffers / screening from roads and residences by plantings, berms, and natural topographical features. Ground mounted SES shall be screened from view of any adjacent property that is residentially zoned or used for residential purposes, as well as any public way. The screen shall consist of a vegetative barrier which provide a visual screen. In lieu of a vegetative screen, a fence that provides visual screening, and meets requirements of the controlling ordinance, may be allowed only if a vegetative screen is deemed impractical by the Planning Board.
6. Glare – All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
7. Lighting - Lighting shall be limited to that required for safety and operational purposes and shall be shielded from interference with abutting properties. Lighting of the SES shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution and shall otherwise comply with the provisions of Article 8, Section 15 of the Town of Readfield Land Use Ordinance. Lighting shall not be used / visible between 9pm and 7am.
8. Preservation of Town’s Character - All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with the character of the community via visual consistency with local neighborhood area, maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan, and associated Town planning documents.

### Roof Mounted Solar Energy Systems:

1. The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of supporting the collateral load of the SES.
2. SES mounted on roofs of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.
3. Glare – All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
4. For firefighter access, a minimum three (3) foot buffer zone is required from the ridge and one (1) edge of the roof or parapet.

## TOWN OF READFIELD – SOLAR ORDINANCE

5. Preservation of Town’s Character - All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with the character of the community via consistency with local neighborhood area, maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan, and associated Town planning documents.

### Section 8. Decommissioning and Removal

1. Any Ground Mounted Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Planning Board during the application process. The landowner, or SES owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.
2. 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; and
  - c. stabilize or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.
3. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a Ground Mounted Solar Energy System shall be considered abandoned when it fails to generate 10% or less permitted capacity of electricity for a continuous period of twelve (12) months without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.
4. If the owner or operator of a Ground Mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of Readfield retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.

### Section 9. Modifications

1. Any physical modification to any existing SES, whether or not existing prior to the effective date of this Ordinance, shall require review and approval under this Ordinance.
2. Any modifications to a Medium to Large Scaled Ground-Mounted Solar Energy System made after issuance of the required town permit(s) shall require approval by the Planning Board.



## **TOWN OF READFIELD – SOLAR ORDINANCE**

3. Any modifications to a Small-Scaled Ground-Mounted Solar Energy System made after issuance of the required town permit(s) shall require approval by the Code Enforcement Officer.
4. Application fees for modifications shall be consistent with the overall size of the SES, not solely the modification.
5. Permit fees for modifications shall be based on the modified portion of the SES.

### **Section 10. Authority**

1. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, provisions of 30-A, M.R.S. § 3001, Ordinance Power, the provisions of 30-A, M.R.S. § 4352, Zoning, and the provisions of Title 30-A §4311 et seq. (Comprehensive Planning and Land Use Regulation, or “Growth Management” Act).
2. To the extent that any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision shall be removed from the Ordinance and the balance of the Ordinance shall remain valid.

### **Section 11. Effective Date and Duration**

This Ordinance shall take effect on June 8, 2021 upon enactment by the Town of Readfield unless otherwise provided and shall remain in effect until it is amended or repealed.

### **Section 12. Enforcement Violations and Penalties**

This Ordinance shall be enforced by the municipal officers or their designee. Violation of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A, M.R.S. § 4452, Enforcement of Land Use Laws and Ordinances.