



**City of Biddeford
Sustainability Commission**

March 16, 2026 at 5:30 PM

City Hall Second Floor Conference Room & Teams

[Join Teams Online](#)

1. Declaration of Quorum
2. Approval of Meeting Minutes
 - 2.a Approval of Meeting Minutes from March 2, 2026
3. New Business
 - 3.a Beach Management Plan-Meeting with Councilor Boston, March 9, 2026
 - 3.b Earth Day Activities: Saturday, April 25, 2026-10:00 AM-2:00 PM?
 - i. Clean-up Day downtown/Adopt-a-Park
 - ii. Adopt-a-Park-Planting at 3:15 PM Main St.?
 - iii. Tree Planting behind City Hall (w/Pierson's Nursery?)
 - iv. Education Promotions
 1. Composting (Garbage to Garden, Public Works)
 2. No Lawns!
 3. Active Transportation
4. Updates
 - 4.a Dune Grass Planting by Biddeford Pool Conservation Trust
 - 4.b Status of Proposed Ordinances
 - a. Landscape Standards
 - b. Solar Development
 - c. EV Charging Infrastructure
 - 4.c Energy Audit Project-RFP Submittals due April 2, 2026
 - 4.d Public Market-Sam G. & Katie B. will attend April 6 meeting.
5. Adjourn

SUSTAINABILITY COMMISSION March 2, 2026

Present: Brad Favreau, Jeff Goldsmith, Joie Grandbois, Bev Thorpe, Will Kochtitzky, Brad Crickard, Mikaela Greenwald, Nadia Crockett, Emily McCauley

Absent: Max Zakian, Patrick Conlon

Guests: Ken and Kathy Griffin, UNE student Edward, UNE Faculty Jenn Brousseau, Richard Rhames from the Conservation Commission

1. Quorum was present
2. Minutes from 02/02/26 were approved unanimously with Nadia abstaining since she wasn't officially a commissioner then. Motion by Brad and seconded by Bev. The 2nd commission meeting was cancelled due to weather on the 21rd of February.
3. Public Market cancelled it presentation and rescheduled for 04/06/26.
4. Financial matters were discussed. Then Sustainability Commission was originally granted about \$64,000 in 2021. About half that is still in the bank. In addition, the SC got \$3000 budgeted the first two years.
 - a. ICLEI is an organization that the SC is registered as a member—currently \$1800/year. The importance of this expense was discussed, as was the possibility of negotiating a multiyear membership with a lower annual fee. Jeff Goldsmith made a motion to discuss this option with ICCLI in the next two weeks, having their feedback at the next SC meeting in 2 weeks. Mikaela Greenwald seconded the motion and it was approved 6-0.
 - b. There was a lengthy discussion about projects that the SC might engage with to use the money. These projects included: develop a Beach Management Plan for Biddeford, Tree Inventory Ordinance, Public Transportation benches/sites/bike racks, Earth Day events, planting native plants in the Adopted Park on Main Street, a public EV Charger at the Martin Center, and Solar energy promotion.
5. Old Business
 - a. The EV Ordinance was asked to correct the wording.

- b. The Solar Ordinance was paused to gather more information.
 - c. The Landscaping Ordinance was approved by Planning & Development and sent on to the Policy Committee.
 - d. There was a discussion about events by different departments for Earth Day, April 22, 2026.
 - e. The Pollinator Festival is scheduled early May.
 - f. The SC will be present at the SOS-Saco Bay workshop at City Hall in Saco in March.
6. Joie Grandbois wishes to step down from the public newsletter by the SC. Nadia agreed to pick it up to facilitate.
7. New Business
- a. Dune grass will be planted by the BP Conservation Trust next week. Volunteers desired 3/10-3/15.
8. Joie made a motion to adjourn at 6:59pm, seconded by Jeff Goldsmith, passed 6:00




The Maine Water Company
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MEMORANDUM

To: The City of Biddeford's Policy Committee

CC: Brad Favreau, Economic Development Coordinator

From: Evan Vashon, Project Engineer 
The Maine Water Company

Date: February 27, 2026

Subject: Proposed Amendments to the City's draft ordinance:
Article VI. Performance Standards Section 79. Solar Energy Systems

OBJECTIVE

The Maine Water Company would like to thank the City's Policy Committee for the opportunity to make the following suggested amendments to the City's draft solar ordinance. We recognize the Policy Committee is working diligently to produce a City ordinance, creating a regulated framework for the City to develop renewable energy in a responsible manner. We hope the following proposed amendments aid in the Committee's efforts while they face the inherent challenges of developing an ordinance that is in the best interests of our community.

Please find The Maine Water Company's proposed changes to the City's current draft ordinance language. Proposed changes are emphasized utilizing **bold** text for clarity.



Proposed Amendment 1 – section 5.b

Current Language:

5.b. Impact study prepared by a qualified consultant for the project site, chosen by, and reporting to the City, but paid by the applicant, to determine all impacts on the environment, including, but not limited to wetlands, native vegetation, wildlife habitat, water quality, and the presence of any and all species invasive to Maine .

Proposed Amendment:

5.b. **Applicant to provide environmental impact study by qualified environmental professional** to determine all impacts on the environment, including but not limited to wetlands, native vegetation, wildlife habitat, water quality, and the presence of any and all species invasive to Maine. **The City, at its sole discretion, may choose to have the study peer reviewed by a third party qualified consultant,** paid for by the applicant.

Reasoning:

To satisfy the standards of the ordinance and Site Plan Review an applicant will be required to have environmental professionals complete reviews for the project to include wetland delineations, vernal pool surveys, vegetation/habitat screens, etc. Third party review of the assessments submitted would be a more efficient and cost-effective method for providing City assurance in the quality of work submitted without the added time and administrative effort for a full scope redundant study.

Proposed Amendment 2 – Section 6.j

Current Language:

6.j. Operations and Maintenance: The applicant must provide for the long-term operation of the Solar Energy System and maintenance of the Solar Land Area, including ensuring that vegetation buffers are maintained, inspections are performed as needed, new instances of species that are considered invasive to Maine are removed, biannual soil testing is conducted and reported to the City, and the site is accessible to emergency responders in the event of an emergency. This work shall be conducted in accordance with Maine State law.



Proposed Amendment:

6.j. Operations and Maintenance: The applicant must provide for the long-term operation of the Solar Energy System and maintenance of the Solar Land Area, including ensuring that vegetation buffers are maintained, inspections are performed as needed, new instances of species that are considered invasive to Maine are removed, **biannual soil testing is conducted and reported to the City**, and the site is accessible to emergency responders in the event of an emergency. This work shall be conducted in accordance with Maine State law.

Reasoning:

The requirement for biannual soil testing conducted and reported to the City is too vague of a requirement for reasonable application by a project owner. The requirement does not identify what the goal of soil sampling is, what constituents are to be tested for, and what standards are applicable to testing. Solar panel materials are sealed and stable with long service lifespans. During normal operation, PV solar panels pose no risk of chemical leaching to justify the long term expense of sampling. Broken panels are promptly replaced as part of normal service.

Proposed Amendment 3 – 7.b

Current Language:

7.b. No application for large-Scale Solar Energy System will be considered if the parcel has been deforested within ten (10) years prior to application. This measure will ensure the parcel is maintained in its original state that will enable a thorough review of wildlife habitat, natural areas, and other sensitive areas.

Proposed Amendment:

7.b. No application for large-Scale Solar Energy System will be considered if the parcel has been deforested within ten (10) years prior to application, **unless an applicant can show the deforestation was completed, following a review and approval process by either the City or Maine DEP**. This measure will ensure the parcel is maintained in its original state that will enable a thorough review of wildlife habitat, natural areas, and other sensitive areas, **or ensure that a previously disturbed parcel went through a comparable review prior to deforestation or disturbance occurring.**



Reasoning:

Applicants making every effort to meet the Priority 1 siting of projects on previously disturbed land should be allowed to avoid the 10 year application ban if the area was evaluated and approved by regulators to be cleared at the time of the clearing, meeting the intent of the ordinance language which aims at preventing deforestation with intent of avoiding representative review of pre-cleared conditions. This also encourages use of appropriately disturbed areas as more timely and preferred paths to development instead of a project opting to clear existing forests for faster project timelines.

Proposed Amendment 4 – 8.b

Current Language:

8. Dimensional requirements for medium-scale and large-scale Solar Energy Systems:
 - a. The Solar Energy System shall be less than 25 feet in Height.
 - b. Minimum Setbacks: The following minimum setback requirements must be met, regardless of the zoning district in which the Solar Energy System is located, unless the minimum setback requirement in the applicable zoning district is more restrictive, in which case the more restrictive requirement shall apply:
 - i. Front Lot Line 125 feet
 - ii. Side and Rear Lot Line 125 feet
 - iii. Street Right-of-Way 150 feet

Proposed Amendment:

8. Dimensional requirements for medium-scale and large-scale Solar Energy Systems:
 - a. The Solar Energy System shall be less than 25 feet in Height.
 - b. Minimum Setbacks: The following minimum setback requirements must be met, regardless of the zoning district in which the Solar Energy System is located, unless the minimum setback requirement in the applicable zoning district is more restrictive, in which case the more restrictive requirement shall apply:
 - i. Front Lot Line 125 feet
 - ii. Side and Rear Lot Line 125 feet
 - iii. Street Right-of-Way 150 feet



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A project proposing to meet the Priority 1 siting description defined in Section 6.a.i of this Ordinance may propose to meet the setbacks of the zoning district where it is located to encourage use of Priority 1 spaces. The Planning Board may review the lesser setbacks on a case by case basis for location relationship to surrounding uses. The more restrictive setbacks of this section will be made applicable at the discretion of the Planning Board.

Reasoning:

The proposed additional language maintains the City's objective to increase setbacks for most arrays, while allowing the planning board to consider and approve potentially lesser setbacks of the underlying zone to encourage development of Priority 1 locations, a stated goal of the ordinance. Because previously disturbed land will generally be pre-existing in its location, it is unlikely that many otherwise feasible Priority 1 locations suitable for development will also meet the more restrictive setbacks. In some cases, the more restrictive setbacks may force a project out of a Priority 1 location, and into forested areas that wouldn't otherwise have been impacted by lessening the setbacks. By providing planning board discretion depending on location, not all projects will be considered appropriate for the lesser setbacks (for example disturbed area adjacent to dense residential development), where others may be deemed an appropriate compromise to promote the use of Priority 1 spaces (more rural spaces with natural buffers, no adjacent public ways or other development) to avoid more extensive land clearing to meet setbacks.

The Maine Water Company appreciates the committee's time and consideration of our proposed amendments while finalizing your Solar Energy System Performance Standards. Should you have any questions or wish to discuss any aspect of our suggestions in greater detail, please do not hesitate to contact me at your convenience. I may be reached by telephone at 207-298-1569 or by email at Evan.Vashon@mainewater.com.

Regards,

A handwritten signature in cursive script that reads "Evan Vashon".

Evan Vashon

The Maine Water Company

Article VI. Performance Standards Section 79. Solar Energy Systems

A. Purpose

1. The purpose of this ordinance is to allow and regulate, in the public interest, the development and use of solar energy systems and to increase local renewable energy production, to decrease our reliance on fossil fuels to produce electricity, and to reduce carbon emissions.
2. The allowance of solar photovoltaic installations is to be accomplished pursuant to the standards set forth herein for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, scenic, natural resources, especially the protection of wildlife habitat and significant wildlife corridors, and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

B. Definitions

1. **Agrivoltaics** – Dual use of land for both solar energy production and agriculture.
2. **Building-Integrated Photovoltaic (BIPV) Systems.** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.
3. **Electricity Generation** (production, output). The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).
4. **Electrical Equipment.** Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended location.
5. **Mounting.** The manner in which a solar PV system is affixed to the roof or ground (i.e., roof mount, ground mount, pole mount).
6. **Pole-Mount System.** A solar energy system that is directly installed on specialized solar racking systems, that are attached to pole, which is anchored and firmly affixed to a foundation in the ground, and wired underground to an attachment point at the building's meter. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.
7. **Power.** The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.
8. **Solar Array.** Multiple solar panels combined together to create one system.

9. **Solar Collector.** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.
10. **Solar Energy System.** A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.
11. **Solar Energy System, Ground-Mounted.** An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
12. **Solar Energy System, Large-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 20,000 square feet.
13. **Solar Energy System, Medium-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 2,001 square feet but less than 20,000 square feet.
14. **Solar Energy System, Roof-Mounted.** An Active Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).
15. **Solar Energy System, Small-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is 2,000 square feet or less.
16. **Solar Glare.** The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
17. **Solar Photovoltaic (Solar PV) System.** Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consist of PV panels (or modules) that combine to form an array; other system components may include mounting racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.
18. **Solar Panel (or module).** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
19. **Solar Thermal System (Solar Hot Water or Solar Heating Systems).** A solar energy system that directly heats water or other liquid, or air, using sunlight.
20. **Tilt.** The angle of the solar panels and/or solar collector relative to horizontal. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky (this is also known as 0° Azimuth). Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round

c. Applicability

1. Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the requirements of this Section shall apply to all roof-mounted, small-, medium-, and large-scale ground-mounted solar energy systems modified or installed 30 days after the approval of this ordinance.
2. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
3. Any upgrade, modification or structural change that materially alters the size, placement or output of an existing solar energy system shall comply with the provisions of this Section.

d. Performance Standards

1. Roof-mounted and building-mounted solar energy systems and equipment are permitted by right unless they are determined by a Code Enforcement Officer, with consultation from the City Engineer and/or the City Fire Chief to present one or more unreasonable safety risks including, but not limited to the following:
 - a. Weight load;
 - b. Wind resistance;
 - c. Ingress or egress in the event of fire or other emergency, or;
 - d. Proximity to ground mounted systems relative to buildings.
2. Roof-Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III Article III Official Zoning Map and Article V Establishment of Zones of this Ordinance.
3. Small-Scale Ground Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III Land Development Regulations of this Ordinance.

In addition to the standards in Part III of this Ordinance, Small-Scale Solar Energy Systems shall comply with the following standards:

- a. The Solar Energy System shall be less than 25 feet in height.
- b. The Solar Energy System shall be operated and located such that no disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
- c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.

- d. The Solar Energy System shall be located and designed to consider the visual character of the neighborhood in which it is constructed.
 - e. The solar energy System shall not be located within the property setbacks.
4. Medium-Scale Ground-Mounted Solar Energy Systems shall comply with all requirements as stated in Part III Land Development Regulations of the Code of Ordinances. Such developments shall also require a Conditional Use Permit and Site Plan Review approval by the Planning Board. In addition to submission requirements in Article VII, Conditional Uses; Article XI Site Plan Review; and Article XII Floodplain Management, an application for medium-scale solar energy system development must also include:
- a. Written confirmation from the Utility to which the Solar Energy system will be connected confirming the solar operator has conditional or final approval to interconnect the Solar Energy System to the Utility Grid.
 - b. A description of the major components of the Solar Energy System proposed to be used, including manufacturer’s specifications and cut sheets, and construction drawings showing all dimensions.
 - c. Erosion and sedimentation control narrative with plans and details.
 - d. Site plan(s) indicating all proposed construction and alteration of the project site, including changes to the landscape of the project area, filling, grading, earthmoving, vegetation clearing and planting, screening, fencing, Solar Energy System components, utilities (above and/or below ground) and all other aspects of the project.
 - e. Site plan(s) indicating water bodies, wetlands, flood hazard areas, and vernal pools.
 - f. A landscaping plan, prepared by a licensed forester, landscape architect or arborist, demonstrating compliance with all applicable landscaping and vegetated buffering requirements. At minimum, the landscaping plan must specify the locations, elevations and height above finished grade of all vegetation, berms, and plantings, and must identify the plant species and other materials that will comprise the elements used to establish any vegetated buffers and substantially screen the Solar Energy System from view from abutting residential properties, public roads, and public vantage points.
 - g. A long-term operations and maintenance plan providing for ongoing monitoring and inspections of all site improvements, soils, and surrounding habitat. The plan must provide a method for maintaining sufficient financial resources for performing ongoing maintenance, mitigation, and repair of the Solar Energy System project.
 - h. A proposed decommissioning plan for the removal of the Solar Energy System, disposal of system components, and stabilization of the site, which meets the requirements in Section

79 (D) (10) of this Ordinance, and a written statement of the applicant’s intent concerning the following:

- i. Physical removal of any Solar Energy System components, structures, foundations, supports, fencing, or security barriers from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion and substantially return the site to its pre-construction state.
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- i. A description of any proposed dual-use or co-location of the property, including but not limited to agrivoltaics. If no dual-use is proposed or intended on the property, an explanation as to why such dual-use or co-location is not practicable.
 - j. A visual impact assessment that includes a line-of-sight profile analysis that illustrates what is visible and what is obstructed along a straight line running from the Solar Energy System and each Public Vantage Point. The Planning Board may require additional visual impact assessments, including digital view shed maps, if it determines in its sole discretion that such assessments are necessary for the Planning Board to evaluate the Solar Energy System’s compliance with the scenic impact standards in Section 79 (D) (6) (h) of this Ordinance.
 - k. An Environmental Impact Assessment and/or habitat impact assessment shall be created for the installations planned to be sited on or near areas noted within Biddeford’s Global Information System (GIS) maps to include deer wintering areas, vernal pools, wetland habitat, and rare or threatened species habitat. Findings of adverse impacts to the habitat of threatened or endangered species shall preclude development of those areas.
5. In addition to the application requirements for Medium-Scale Ground Mounted Solar Energy Systems for Site Plan Review and to obtain a Conditional Use Permit, the application for Large-Scale Ground Mounted Solar Energy Systems shall also include:
- a. Evidence of financial capacity to construct, operate, and decommission the Solar Energy System.
 - b. Applicant to provide environmental impact study by a qualified environmental professional ~~Impact study prepared by a qualified consultant for the project site, chosen by, and reporting to the City, but paid by the applicant,~~ to determine all impacts on the environment, including, but not limited to wetlands, native vegetation, wildlife habitat, water quality, and the presence of any and all species invasive to Maine . The City, at its sole discretion, may choose to have the study peer-reviewed by a third party qualified consultant, paid for by the applicant.

- c. Site Plan(s) clearly identifying soil type and location of existing “Prime Farmland,” and “Farmland of Statewide Importance,” as well as locations of local or National Historic Districts or landmarks. These requirements shall be certified by a qualified professional.
- 6. In addition to Conditional Use application requirements for Medium-Scale Solar Energy Systems, other standards for Medium-Scale Ground-Mounted Solar Energy Systems are:
 - a. Siting of Solar Energy Systems on previously disturbed land to the greatest extent possible shall be recommended, with the intent of preventing or reducing the conversion of current and former agricultural land or forests to solar installations. A priority hierarchy for siting solar systems should follow:
 - i. Priority 1: Former landfills, roof-mounted systems, former industrial or extractive sites, areas along highway corridors, parking lots, and other heavily disturbed parcels.
 - ii. Priority 2: Parcels with existing cleared land (older than 510 years) that is not agricultural in its history, municipal lots and others.

The following areas may be considered for solar development if no other feasible alternative is possible:

Undisturbed wooded parcels and agricultural lands not identified below:

- iii. Prohibited Areas: Prime Agricultural Soils, Soils of Statewide Significance, deer wintering areas, vernal pool complexes, and other significant habitat.
- b. The Solar Energy System shall be operated and located such that no disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
- c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.
- d. Wildlife Habitat: The Solar Energy System shall have no undue adverse effect on any portion of the property designated by the Maine Department of Inland Fisheries and Wildlife as Rare, Threatened, or Endangered Wildlife, Essential Wildlife Habitat, or Significant Wildlife Habitat. The applicant shall assess the potential impacts of the Solar Energy System on any such designated species or habitat, including any adjacent areas that are important to the maintenance of the affected species or habitat, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the habitat and the species that the area supports. The Planning Board shall require the applicant to consult with the Maine Department of Inland Fisheries and Wildlife or a wildlife biologist preapproved by the Board in conducting such an assessment.

- e. Natural Areas: The Solar Energy System shall have no undue adverse effect on any portion of the property designated as a unique natural area or a Rare or Exemplary Plant and Natural Community in the City's Comprehensive Plan or by the Maine Natural Areas Program. The applicant shall assess the potential impacts of the Solar Energy System on any such designated natural area or community, including any adjacent areas that are important to the maintenance of the affected area or community, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the natural area or community.

The Planning Board shall require the applicant to consult with the Maine Natural Areas Program in conducting such an assessment.

- f. Historic or Archaeological Resources: The Solar Energy System shall have no undue adverse effect on any portion of the property that has been identified as containing a significant historic or archaeological resource in the City's Comprehensive Plan or on the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant historic or archaeological resource. The applicant shall assess the potential impacts of the Solar Energy System on any such resource, including any adjacent areas that are important to the preservation of the resource, and shall take measures to protect these resources, including but not limited to, modification of the proposed location and design of the Solar Energy System, timing of construction, limiting the extent of excavation, physical or legal protection, or by archaeological excavation or mitigation. The applicant shall comply with all requirements of Article XV Historic Preservation Ordinance as applicable. The Planning Board shall require the applicant to consult with the Maine Historic Preservation Commission in conducting such an assessment.

- g. Revegetation: Any disturbed ground cover on the site shall be revegetated with ~~pollinator friendly~~, native, and non-invasive vegetation.

- h. The Solar Energy System must be located and designed for minimal visual impact on the surrounding area, particularly when viewed from abutting residential properties or any Public Vantage Point.

- i. A vegetated buffer comprising native vegetation that is at least half the width of the minimum setback requirement in Section 79 (D) (8) (b) of this Ordinance, and no less than six (6) feet in height from finished grade, shall be maintained along any property boundary line of a Solar Energy System that abuts a residential dwelling or a public road, except where necessary to accommodate a driveway entrance to the site. All vegetation shall be installed in such a manner so as to completely conceal solar energy system from view.

- ii. Existing vegetation must be used to the greatest practical extent. If there is insufficient existing vegetation to create a vegetated buffer, the applicant shall plant

and maintain native species of conifers and evergreens to adequately screen the Solar Energy System from view.

- i. Security Fencing: All components of the Solar Energy System, excepting overhead utility and communication lines and poles, shall be completely enclosed by a minimum 6-foot-high fence. The fence shall be elevated an minimum of 6 inches above the ground to accommodate crossings by small terrestrial animals. Functional alternatives to chain-link style fencing is encouraged.
 - j. Operations and Maintenance: The applicant must provide for the long-term operation of the Solar Energy System and maintenance of the Solar Land Area, including ensuring that vegetation buffers are maintained, inspections are performed as needed, new instances of species that are considered invasive to Maine are removed, ~~biannual soil testing is conducted and reported to the City,~~ and the site is accessible to emergency responders in the event of an emergency. This work shall be conducted in accordance with Maine State law.
7. In addition to the standards for Medium-Scale Solar Energy Systems as described above, Large-Scale Solar Energy Systems shall also comply with the following standards:
- a. No solar development shall be constructed on land designated as “Prime Farmland” or “Farmland of Statewide Importance.”
 - b. No application for large-Scale Solar Energy System will be considered if the parcel has been deforested within ~~fiveten~~ (510) years prior to application ~~unless the applicant can demonstrate that deforestation was completed following a review and approval process by either the City or Maine Department of Environmental Protection.~~ This measure will ensure the parcel is maintained in its original state that will enable a thorough review of wildlife habitat, natural areas, and other sensitive areas, ~~or ensure that a previously deforested parcel has undergone a comparable review prior to deforestation or disturbance.~~
 - c. If a large scale development is planned, it may not be characterized at the time of application as a medium-scale development, with the intention of later expanding the project in phases until the development meets the definition of large-scale solar development.
 - d. Agricultural Resources: The Solar Energy System shall have no undue adverse effect on any portion of the property containing prime agricultural soils or soils of statewide importance. The applicant shall assess the potential impacts of the Solar Energy System on any such soils, and shall take measures to avoid or minimize impacts to such soils. The Planning Board shall require the applicant to consult with the Department of Agriculture, Conservation, and Forestry, Agricultural Resource Development Division, in conducting such an assessment. No topsoil or prime agricultural soil shall be removed from the site for installation of the Solar Energy System. All stockpiled topsoil shall be retained on site and reused in the landscaping plan for the site.
 - e. Utility Connections: All on-site utility transmission lines and piping associated with the Solar Energy System shall be placed underground to the greatest extent practicable. The Planning Board may waive this requirement if the applicant can demonstrate that satisfying this

requirement is not practicable based on requirements of the utility provider or specific site conditions.

8. Dimensional requirements for medium-scale and large-scale Solar Energy Systems:
 - a. The Solar Energy System shall be less than 25 feet in Height.
 - b. Minimum Setbacks: The following minimum setback requirements must be met, regardless of the zoning district in which the Solar Energy System is located, unless the minimum setback requirement in the applicable zoning district is more restrictive, in which case the more restrictive requirement shall apply:
 - i. Front Lot Line 125 feet
 - ii. Side and Rear Lot Line 125 feet
 - iii. Street Right-of-Way 150 feet

A project proposing to meet the Priority 1 siting description defined in Section 6. (a.)(i.) of this Ordinance may propose to meet the setbacks of the zoning district in which it is located to encourage use of Priority 1 sites. The Planning Board may review the lesser setbacks on a case-by-case basis for location relationship to surrounding uses. The more restrictive setbacks of this Section will be made applicable at the discretion of the Planning Board.

- c. The land area of a Solar Energy System shall not exceed 50 acres exclusive of required setbacks.
9. All solar energy systems shall comply with regulations as outlined in Part III Article XIV Shoreland Zoning Ordinance as required.
10. Post-Approval Requirement for Medium-Scale Solar Energy Systems and Large-Scale Solar Energy Systems: Prior to the start of construction of a Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must submit to the Code Enforcement Officer a decommissioning plan and financial assurance approved by the Maine Department of Environmental Protection, in accordance with the requirements of 35-A M.R.S.A. Sections 3491-3496, as may be amended, for all costs associated with decommissioning the Solar Energy System.
11. Post-Construction Requirements for Medium-Scale Solar Energy Systems and Large Scale Solar Energy Systems: After completion of construction and prior to commercial operation of a permitted Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must:
 - a. Submit to the Code Enforcement Department as-built drawings prepared by a Maine licensed professional land surveyor or engineer. The as-built drawings shall include the actual locations of the Solar Energy System and its components, any structures and their components, above and underground utilities, roads, swales, ditches, detention/retention

facilities, areas of filling and grading, vegetated buffers, fencing, land and landscaping alterations, and any other infrastructure and facilities, all as actually constructed on the site. The as-built drawings should also include any documented locations of invasive species, wetland areas, wildlife corridors, or habitat present on the site. The as-built drawings must be accompanied by a letter signed by the surveyor or engineer certifying that the Solar Energy System had been constructed in accordance with all Planning Board approvals, including any conditions of approval and any accompanying plans and specifications.

- b. Provide a written manual to the Biddeford Fire Department and Code Enforcement Department, which provides clear response information and instructions, including lock box details and disconnection locations necessary for a fire/emergency response at the site.