Town of Weld

Second Extension of Ordinance Establishing a Moratorium on Solar Farms and Large Commercial Structures

WHEREAS, the Selectboard finds that the problems stated in the Ordinance Establishing a Moratorium on Solar Farms and Large Commercial Structures approved by the town legislature on October, 15, 2024, necessitating the moratorium still exists; and

WHEREAS, reasonable progress is being made to alleviate these problems by the Commercial Site Review Ordinance Committee (30-A M.R.S. § 4356(2)(A)and (B)).

THEREFORE, pursuant the authority granted to it by 30-A M.R.S. §4356(3), the Selectboard hereby extends the Ordinance Establishing a Moratorium on Solar Farms and Large Commercial Structures to be effective till March 15, 2026 (180 days from September 15, 2025), unless extended again pursuant to law or until a new and revised set of regulations is adopted by the Town of Weld, whichever shall first occur.

This ordinance shall become effective upon September 9, 2025 or upon its adoption, whichever is later.

Adopted On _____

Select Board Member Dina Walker, Chair

Select Board Member Lisa Miller

Select Board Member Steve Conant

[Please see on next page – Form of Ordinance Establishing a Moratorium on Solar Farms and Large Commercial Structures approved by the town legislature on October, 15, 2024]

Town of Weld

Ordinance Establishing a Moratorium on Solar Farms and Large Commercial Structures

WHEREAS, the Maine Legislature has found that it is in the public interest to develop renewable energy sources and encourage solar energy related development pursuant to the Maine Solar Energy Act, 35-A M.R.S. § ch. 34-B; and

WHEREAS, solar energy developers have expressed interest in and have been increasing developing commercial solar farms throughout the State; and

WHEREAS, the Town of Weld has no specific regulations concerning Solar Farms or Large Commercial Structures that could include commercial solar arrays or for other commercial purposes; and

WHEREAS, the siting and installation of Solar Farms and Large Commercial Structures raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse environmental effects, security of the facilities, whether the facilities will be properly constructed and decommissioned; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location and operation of Solar Farms and Large Commercial Structures, and are inadequate to prevent serious public harm that could be caused by the unregulated development of Solar Farms and Large Commercial Structures; and

WHEREAS, the Town needs a reasonable amount of time to determine the implications of Solar Farms and Large Commercial Structures and to develop reasonable regulations governing their location and operation; and

WHEREAS, during the period of this moratorium, the Town will work on developing appropriate land use and licensing regulations concerning Solar Farms and Large Commercial Structures; and

WHEREAS, the foregoing findings create a necessity for a moratorium on Solar Farms and Large Commercial Structures; and

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the legislative body of the Town of Weld as follows:

1. Moratorium.

The Town does hereby declare a moratorium on siting, installation, development, permitting, licensing, operating and approval of all Solar Farms and Large Commercial Structures within the Town not operating with municipal approval during the time this Ordinance is in effect.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Weld shall accept, process or act upon any application for any approval, including but not limited to a business permit, building permit, certificate of occupancy, site plan review, conditional use, or any other approval, relating to the establishment, or operation, of a Solar Farm or Large Commercial Structure. No person shall establish or operate a Solar Farm or Large Commercial Structure within the Town of Weld proposed during the time this Ordinance is in effect or shall expand the operations of any Solar Farm or Large Commercial Structure that was established or operated prior to the effective date of this Ordinance.

3. Pending Proceedings.

Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall apply to any proposal to establish, operate, or expand a Solar Farm or Large Commercial Structure, whether or not an application or a proceeding to establish or operate a business or operation for a Solar Farm or Large Commercial Structure would be deemed a pending proceeding under 1 M.R.S. § 302.

4. Conflicts/Savings Clause.

Any provisions of the Town's ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

5. Violations.

The Code Enforcement Officer of the Town of Weld shall enforce this Ordinance. If any Solar Farm or Large Commercial Structure is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Town shall be entitled to all rights available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

6. Definitions.

As used in this Ordinance, the following terms have the meaning: following meanings:

Commercial Purpose means any purpose that is primarily or substantially of a commercial nature. Commercial Purpose does not include purposes that have only an incidental and insubstantial commercial nature.

Large Commercial Structure means any structure or structures with a Commercial Purpose that either (i) occupies an area exceeding 7,500 ft2or (ii) exceeds 50 feet in height.

Solar Farm means any device(s) consisting of solar photovoltaic cells, modules, or array greater than or equal to a physical size based on a total airspace projected over the ground of 3,000 square feet or more using solar energy from the sun to generate electricity for the purpose of wholesale or retail sale rather than for the consumption on the property on which the device(s) are located. For example and clarification, a Large Commercial Structure is not intended to include residential solar panels intended primarily to serve the individual residence.

6. Effective Date.

This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur. This ordinance shall become effective upon October 15, 2024 or upon its adoption, whichever is later.

Adopted October 15, 2024

Select Board Member Richard G Doughty, Chair

Select Board Member Dina Walker

Select Board Member Lisa Miller