

**-PUBLIC MEETING -
Hope Planning Board
Tuesday, August 1, 2023
6:30 PM**

AGENDA

Call to Order:

Minutes:

- Review and Approve minutes from June 28, 2023 meeting:

Old Business:

- Review Proposed Draft Cannabis Ordinance Amendment:
- Review Proposed Draft Solar Energy Facilities Ordinance:

New Business:

Other Business:

Adjournment:

-PUBLIC MEETING-

Hope Planning Board

Tuesday, June 28, 2023

6:30 PM

Call to Order: Meeting was called to order at 6:31 by Chair Molly Luce. Members present: Molly Luce, David Hall Joe Curll, Juanita Hunt, and Robert Hall.

Minutes: Review and Approve minutes from June 6, 2023 meeting. Minutes were reviewed and approved. Motion to approve by David Hall and seconded by Juanita Hunt.

Old Business:

- **Marijuana Ordinance Discuss and Development:** An ordinance was developed, but the terminology has to be changed. The word “marijuana” has to be “Cannabis”. It was surjected that Samantha Mank could rewrite it with the proper terminology. Tabled Cannabis Ordinance for next meeting, August 1, 2023.
- **Medium- and Large-Scale Solar Energy Facilities Ordinance Discussion and Development:** Joe Curll developed good ideas for Solar Energy Facilities Ordinance for the Town of Hope. It needed to have a “Fee Structure” added to the Ordinance. The changes will be presented at the next meeting.

New Business:

- **None**

Other Business:

- **None**

Adjournment:

- Motion to adjourn at 7:45 PM by Hunt, seconded by Curll.

5.4 Medical Cannabis (Marijuana) Dispensaries

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Section 5.3.18, when enacted, shall govern any proposed medical cannabis dispensary for which an application has not been submitted and acted on by the Planning Board prior to September 25, 2012. The following standards apply to all medical cannabis dispensaries:

5.4.1.1 Location Criteria. No medical cannabis dispensary shall be sited within 250 feet of the lot lines of any of the following:

- (a) a church, synagogue or other house of religious worship;
- (b) a public or private school;
- (c) a lot used principally for one, two or multi-family residential purposes;
- (d) an athletic field, park, playground or recreational facility;
- (e) any juvenile or adult halfway house, correctional facility, methadone clinic, or substance abuse rehabilitation or treatment center; or
- (f) a licensed child care facility.

The distance cited in this subsection shall be measured between the lot line of the proposed site for the medical cannabis dispensary and the lot line of the site of the use listed in (a) through (f) above at their closest points.

5.4.1.2 Hours of Operation. Medical cannabis dispensaries may be open for business only between the hours of 6:00 a.m. and 6:00 p.m., locally prevailing time.

5.4.1.3 Parking. Medical cannabis dispensaries shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.

5.4.1.4 Signage and Advertising. All signage and advertising for a medical cannabis dispensary shall comply with all applicable provisions of the Town of Hope Land Use Ordinance. In addition, no signage or advertising shall use the word “marijuana” or “cannabis,” or any other word, phrase or symbol commonly understood to refer to cannabis unless such word, phrase or symbol is immediately preceded by the word “medical” in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for medical cannabis qualifying patients and primary caregivers.

5.4.1.5 Security Requirements. Security measures at a medical cannabis dispensary and any associated cultivation facility shall include, at a minimum, the following:

- (a) security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
- (b) door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;
- (c) a locking safe permanently affixed to the premises that is suitable for storage of all prepared cannabis and cash stored overnight on the licensed premises;
- (d) exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Ordinance; and
- (e) deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).
- (f) All security recordings shall be preserved for at least seventy-two (72) hours by the medical cannabis dispensary. The medical cannabis dispensary shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical cannabis dispensary.

5.4.1.6 Fire Safety. All buildings associated with a medical cannabis dispensary, including any associated cultivation facility, shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A medical cannabis dispensary shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.

5.4.1.7 Cultivation. If there is both the cultivation and dispensation of cannabis occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of cannabis.

5.4.1.8 On-site Consumption of Medical Cannabis. The consumption,

ingestion or inhalation of medical cannabis on or within the premises of a medical cannabis dispensary or cultivation facility is prohibited; provided, however, that a medical cannabis dispensary employee who is a qualifying patient, as that term is defined in 22 M.R.S.A. § 2422(9), as may be amended, may consume medical cannabis within the enclosed building area of the premises if such consumption occurs via oral consumption (*i.e.*, eating only). For purposes of this subsection, the term “premises” includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical cannabis dispensary’s entrance.

5.4.1.9 Visibility of Activities; Control of Emissions; Disposal Plan.

- (a) All activities of medical cannabis dispensaries and cultivation facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors in an enclosed, locked facility.
- (b) No cannabis or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.
- (c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.
- (d) All medical cannabis dispensaries shall have in place an operational plan for proper disposal of cannabis and related byproducts.

5.4.1.10. Sale of Edible Products. No food products shall be sold, prepared, produced or assembled by a medical cannabis dispensary except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing cannabis for human consumption shall be stored in a secure area.

5.4.1.11. Other Laws Remain Applicable. A medical cannabis dispensary shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing medical cannabis dispensaries, the stricter law or regulation shall

control.

- 5.4.1.12. Maximum Number.** The maximum number of medical cannabis dispensaries in the Town shall be capped at one (1).

5.4.2 Cannabis Cultivation, Manufacturing, and Testing Facilities

- (a) This Ordinance does not apply to Home Cultivation for Personal Use or to Medical Cannabis operations as allowed per the Maine Medical Use of Cannabis Act.
- (b) Pursuant to the Cannabis Legalization Act, 28-B M.R.S. Chapter 1, §4, cannabis cultivation, products manufacturing, and testing facilities are permitted in the Town of Hope, subject to the following:

- 5.4.2.1 Site Plan Review.** Any individual or entity who wishes to establish a cannabis cultivation, manufacturing, and testing facility must meet all of the requirements outlined in Section 9 of this Land Use Ordinance for the site plan review. In addition, all applications submitted to the planning Board for site plan review must include:

- (a) The name, mailing address, and phone number of the applicant; and the name, mailing address, and phone number of the property owners of the property to be used, if other than the applicant. If the applicant is not the property owner of record, then a notarized signed statement from the property owner stating that the applicant has permission to utilize the premises for cannabis business must be submitted.
- (b) Proof of state licensure.
- (c) The operating plan which demonstrates the proposed size and layout of the cannabis cultivation, manufacturing, and testing facility; plans for wastewater and waste disposal; plans for providing electricity, water and other utilities necessary for the normal operation of the facility; plans for securing the proposed facility, hours of operation and plans for compliance with applicable building code and federal and state environmental requirements. An operating plan for a cultivation facility must include the proposed size and layout of the cultivation areas and must depict the total square footage of plant canopy area (or number of plants for Tier 1 cultivation facilities).

- 5.4.2.2 Performance Standards.**

a. Location:

1. Each cannabis cultivation, manufacturing, and testing facility shall be operated from a permanent location and may not be permitted to operate from a moveable or mobile location.
2. Cannabis cultivation, manufacturing, and testing facilities may not be located within 500 feet of preexisting schools (public or private), public athletic complexes, libraries, churches, public parks, and licensed day-care centers. This measurement is taken from the lines of the property on which the cannabis cultivation, manufacturing, and testing facility is located.

b. Noise:

1. The sound pressure level limits outline in Section 5.3.21 of the Town of Hope Land Use Ordinance must be adhered to at all times.

c. Refuse/Product Waste Disposal:

1. Cannabis product waste must be made unusable and unrecognizable prior to leaving the premises.
2. Solid, liquid and hazardous wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations, including, to the extent practicable, rules adopted pursuant to Maine Department of Environmental Protection Rule, Chapter 850 and Maine's Adult Use Cannabis Program Rule, Section 9 – Waste management found in 18-691 C.M.R., Chapter 1.

d. Odors/Ventilation:

1. Indoor cannabis cultivation, manufacturing, and testing facilities shall be ventilated so that the odor from the cannabis cannot be detected by a person with a normal sense of smell from any adjoining use or property. Indoor cannabis cultivation, manufacturing, and testing facilities shall have an odor mitigation system installed that has been approved and stamped by a Maine licensed engineer indicating that the system will provide sufficient odor control measures.

e. Security:

1. Cannabis cultivation, manufacturing, and testing facility shall have lockable door and windows to include intrusion alarms with the audible and police notification components sending notification directly to or through a second party to the Knox County Sheriff's Department.
2. Outdoor cannabis cultivation, manufacturing, and testing facilities are not permitted in the Town of Hope.
3. Cannabis cultivation, manufacturing, and testing facilities shall have video surveillance capable of covering the exterior and interior of the operation. The video shall be operated with continuous recording 24 hours per day, 7 days per week, and such recordings shall be retained for a minimum duration of 30 days and be made available to law enforcement agencies when investigating a criminal complaint.

f. Signs/Advertising:

1. Within the cannabis facility premises there shall be at least one legible sign stating that on-premises use of cannabis is illegal, open and public consumption is illegal, no one under the age of 21 is allowed, and the use of cannabis may impair a person's ability to drive or operate machinery.
2. Exterior signs must be in compliance with the regulations of the Hope Land Use Ordinance, and also shall not advertise cannabis brand names or utilize graphics related to cannabis or paraphernalia on the exterior of the cannabis cultivation, manufacturing, and testing facility or the building in which the business is located.
3. There may be no display of cannabis and paraphernalia so as to be clearly visible from the exterior of a facility.
4. There may be no off-premises signs (permanent or temporary) advertising the cannabis business.
5. No ads, coupons, signs, promotional materials, or similar shall target people under the age of 21 or non-Maine residents or visitors.

5.4.2.3

Entitlement to Possession. No cannabis cultivation, manufacturing, and testing facility may be allowed if the person requesting local authorization to operate the cannabis cultivation, manufacturing, and testing facility fails to demonstrate possession

or entitlement to possession of the proposed licensed premises of the cannabis establishment pursuant to a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

- 5.4.2.4. Inspections.** Cannabis cultivation, manufacturing, and testing facilities may be subject to periodic inspections by the Local Health officer, Code Enforcement Officer, Local Plumbing Inspector, and/or Fire Department to ensure compliance with health regulations, zoning or safety regulations.
- 5.4.2.5 Suspension or Revocation of Permit.** The permit or authorization to operate a cannabis cultivation, manufacturing, and testing facility may be suspended or revoked if the operator/owner of the cannabis cultivation, manufacturing, and testing facility refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of their duty.
- 5.4.2.6 Prohibition.**
- (a) Cannabis stores are expressly prohibited in the Town of Hope.
 - (b) No person or organization shall develop or operate a business within this municipality that engages in the sale of a cannabis product to consumers, as defined by 28-B M.R.S. §102.
 - (c) Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Cannabis Act, 22 M.R.S.A. c. 558-C.
- 5.4.2.7. Maximum Number.** The maximum number of cannabis cultivation, manufacturing, and testing facilities in the Town of Hope shall be capped at two (2).

5.5 Solar Energy Facilities

5.5.1 Standards for Roof Mounted Solar Energy Facilities

5.5.1.1 All roof and building mounted solar energy facilities and equipment are permitted by right and shall be allowed unless otherwise determined by the Code Enforcement Officer, with input from the 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 types of emergencies
- d. Proximity of ground mounted facilities relative to buildings

5.5.1.2 All solar energy facility installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA1).

- a. All wiring shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electric Code (NFPA 70) [hereinafter NEC] as adopted by the State of Maine.
- b. Prior to operation, electrical connections must be inspected and approved by the State Electrical Inspector.

5.5.1.3 Height Requirements for Roof-Mounted Solar Energy Facilities

- a. Facilities cannot be mounted higher than 2 feet than the roof pitch on any residential structure.
- b. Facilities cannot be mounted higher than 4 feet than the roof pitch on any non-residential structure.
- c. A facility cannot be higher than 4 feet above the structure on a flat roof.

5.5.2 Standards for Ground Mounted Solar Energy Facilities

5.5.2.1 All solar energy facility installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA1).

- a. All wiring shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electric Code (NFPA 70) [hereinafter NEC] as adopted by the State of Maine.
- b. Prior to operation, electrical connections must be inspected and approved by the State Electrical Inspector.

5.5.2.2 Medium- and Large-Scale ground Mounted Solar Energy Facilities shall comply with the following:

- a. **Utility Connections:** Overhead or pole-mounted electrical wires shall be avoided to the extent possible within the facility.
- b. **Safety:** All medium- and large-scale solar energy facilities shall be subject to site plan review as outlined in section 9 of the Hope Land Use Ordinance.
- c. **Certification of the EPA "Toxicity Characterization Leaching Procedure (TCLP):** Shall be provided along with proof that all electrical equipment used at the facility must be UL listed. No substitutions of other certifications for the UL listing or the TCLP shall be permitted.
- d. **Visual Impact:** Reasonable efforts, as determined by the Planning Board, shall be made to minimize undue visual impacts by preserving native vegetation, screening abutting properties or other appropriate measures, including adherence to height standards and setback requirements and to reduce glare in the direction of abutting or neighboring properties or roads and streets.
- e. **Land Clearing, Soil Erosion, and Habitat Impacts:** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of any ground mounted solar energy facility or as otherwise prescribed by applicable laws, regulations, and ordinances. Ground mounted facilities shall minimize mowing to the extent practicable. Removal of mature trees shall be avoided to the extent possible. Native, pollinator-friendly seed mixtures shall be used to the extent possible. Herbicide and pesticide use shall be minimized. No prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the facility.
- f. **Setbacks:** The minimum setback requirements for all ground mounted solar energy facilities is 100 feet from any right of way

or public road and 20 feet from any side property line.

- g. Fencing:** Fencing shall be installed as required by the NEC for ground-mounted solar energy facilities in accordance with the size of the solar energy facility. To allow for wildlife passage, fences should be elevated by a minimum of 5 inches.
- h. Signage:** A sign shall be placed on the solar energy facility to identify the owner and provide a 24-hour emergency contact phone number and equipment specification information. Said information shall be depicted within an area no greater than eight [8] square feet. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- i. Lighting:** Any and all lighting on the site shall be downward facing.
- j. Roads:** A medium- or large-scale ground-mounted solar energy facility owner or operator shall maintain a road for year-round access to the facility to accommodate emergency vehicles.

5.5.2.3 Removal: Solar energy facilities that have reached the end of their useful life or have been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 365 days after the date of discontinued operations. The owner or operator shall notify separately the Select Board, Planning Board and the Code Enforcement Officer by certified mail of the proposed date of discontinued operations.

5.5.2.4 Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a medium-scale or large-scale ground-mounted solar energy facilities shall be considered abandoned when it fails to operate for more than one year.

- a.** If the owner or operator of the solar energy facilities fails to remove the installation within 365 days of abandonment or the proposed date of decommissioning.

- b. The Town retains the right to use all available means to cause an abandoned, hazardous or decommissioned medium-scale or large-scale ground-mounted solar energy facilities to be removed.
- c. Annual inspections by the Town will continue at the owner or operator's expense until the site is removed and returned to its original state.
- d. If the owner or operator of the solar energy facilities fails to remove the installation in accordance with the requirements of this Ordinance within 365 days of abandonment or the proposed date of decommissioning, the Town retains the right to use the performance guarantee identified in section 5.5.4.2, and all other means available to the Town to cause an abandoned, hazardous or decommissioned medium or large-scale solar energy facilities to be removed.
- e. If an owner or operator of the solar energy facilities successfully removes the solar energy facilities pursuant to the requirements of this Ordinance and the Code Enforcement Officer finds that the removal is in compliance, the owner or operator may apply to the Town for the release of the performance guarantee identified in section 5.5.4.2.
- f. The Town shall not unreasonably withhold the release of a performance guarantee after the Code Enforcement Officer certifies compliance with the removal requirements of this Ordinance.
- g. Additional Standards for Large-Scale Solar Energy Facilities. Large-scale ground-mounted solar energy facilities shall not be considered accessory uses.

5.5.2.5 Operations and Maintenance Plan: The project proponent shall submit a plan for the operation and maintenance of the large-scale ground mounted solar energy facilities, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

5.5.2.6 Emergency Services:

- a. The large-scale ground-mounted solar energy facilities owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the Code Enforcement

Officer and Fire Chief.

- b. Upon request, the owner or operator shall cooperate with the Code Enforcement and/or Fire Department in developing an emergency response plan.
- c. All means of shutting down the solar energy facilities shall be clearly marked.
- d. The owner or operator shall provide the Code Enforcement Officer with the name and contact information of a responsible person for public inquiries throughout the life of the installation.

5.5.3 Solar Energy Facilities Site Plan Review.

5.5.3.1 All Roof-Mounted Solar Energy Facilities:

- a. Do not require full site plan review.
- b. Must obtain a building permit.
- c. Decommissioning Plan (section 5.5.4) must be included with the building permit application.

5.5.3.2 Small-Scale Ground-Mounted Solar Energy Facilities:

- a. Do not require full site plan review.
- b. Must obtain a building permit.
- c. Decommissioning Plan (section 5.5.4) must be included with the building permit application.

5.5.3.3 Medium-Scale and Large-Scale Ground-Mounted Solar Energy Facilities shall adhere to Hope's Site Plan Review in Section 9 and building permit standards and requirements, as well as comply with the following:

- a. Property lines and physical features, including roads and setbacks, for the project site.
- b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and/or structures and erosion control plan.
- c. Blueprints or drawings of the solar energy facilities showing the proposed layout of the facilities, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar

collector.

- d. A preliminary equipment specification sheet which documents all proposed solar panels, significant components, mounting systems and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.
- e. Name, address, and contact information of the proposed solar energy facilities installer, the project proponent, project proponent agent, and all co-proponents or property owners, if any; and a preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems and inverters that are to be installed, including a one or three-line electrical diagram detailing the solar photovoltaic installation, associated components and electrical interconnection methods. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
- f. Name, address, and contact information of proposed or potential solar energy facilities installer and the owner and/or operator of the solar energy facilities. Information of the final solar energy facilities installer shall be submitted prior to the issuance of a building permit.
- g. Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the solar energy facilities.

5.5.3.4 Property Operation and Maintenance Plan.

- a. The property operation and maintenance plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, trimming vegetation and road maintenance, to also include snow removal.
- b. Locations of important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife, if any.
- c. Locations of wetlands and waterbodies, if any.
- d. Locations of shoreland zones, floodplains or well-head protection areas, if any.

5.5.4 Decommissioning Plan:

5.5.4.1 All Solar Energy Facilities whether roof or ground mounted must submit a decommissioning plan which shall be included as a part of the building permit application or site plan review application. The decommissioning plan shall include:

- a. How the physical removal of all solar energy facilities, structures, equipment, security barriers and transmission lines from the site will be accomplished.
- b. How the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations will be performed.
- c. How the stabilization or re-vegetation of the site as necessary to minimize erosion. The Applicant must include restoration of native, pollinator-friendly seed mixtures which shall be used to the maximum extent possible in re-vegetation.

5.5.4.2 Estimate of costs for the decommissioning of the solar energy facilities:

- a. Details of how the estimate of these costs were derived; and including the data which was the basis for the estimate.
- b. How decommissioning will be paid for:
 - i. A performance guarantee level set at 100% shall be paid into an escrow method using a figure to be recalculated every five (5) years by a Licensed Professional Engineer holding such licensure in Maine, the cost of which shall be borne by the owners.
 - ii. The applicant, owner, or operator will provide a performance guarantee paid to the Town and will ensure continuous coverage by a performance guarantee throughout the life of the project up to and including the decommissioning process, in an amount equal to the estimated cost of removal with salvage factor figured in.
 - iii. The performance guarantee can be in the form of:
 - (a) performance bond, or
 - (b) escrow account established with the Town, or
 - (c) other form of financial assistance as may be deemed acceptable to the Town as

determined by the Planning Board and legal counsel for the Town.

- iv. The financial guarantee shall include a signed consent provision from the Applicant, owners or operators granting and guaranteeing the Town the authority to access the funds and property and perform decommissioning if the facility is abandoned and the owner or operator fails to meet their obligations to remove the solar energy facilities.
- v. The Applicant, owner or operator shall provide the Town the identified performance guarantee prior to the issuance of a building permit/site plan review permit.
- vi. Every three (3) years after the date of issuance of the Building Permit the Applicant, owner or operator is responsible for notifying the Select Board, via the Town Administrator, in writing when the performance guarantee is recalculated.
- vii. The owner or operator is also responsible for notifying the Town in writing if the performance guarantee is revoked, and in such cases, shall provide the Town with a replacement performance guarantee, within 30 days which must be approved by legal counsel for the Town or the owner's or operator's permit to operate the solar energy facilities will be revoked.

5.5.5 License and Inspection.

5.5.5.1 Initial Operation License.

- a. Prior to operation, the owner or operator of a Medium-Scale and Large-Scale Solar Energy Facilities must obtain an Operation License from the Town and pay the fee for same as established by the Select Board.
- b. The solar energy facilities will be inspected by the Code Enforcement Officer to ascertain compliance with the requirements of this Ordinance and the requirements of any permit issued before the Solar Energy Facilities Operation License will be issued by the Town.
- c. The operator or owner must provide proof to the Code Enforcement Officer of current required state or federal licenses or permits.

5.5.5.2 Renewal of Operation License.

- a. The operator or owner of a Medium-Scale or Large-Scale Solar Energy Facilities must reapply annually for renewal of its Operation License.
- b. An inspection by the Code Enforcement Officer and payment by the owner or operator of the annual fee as established by the Select Board is required for the renewal of the Operator License.
- c. The operator or owner must provide annual proof in writing to the Code Enforcement Officer of performance bond.
- d. The operator or owner must provide the Code Enforcement Officer with proof of any and all state or federal licenses or permits that are required annually. Inspections shall include, but are not limited to the following areas of review:
 - i. Spot checking of solar panels for cracking or evidence of water infiltration within the panels. Any panel identified as deficient or defective by the Code Enforcement Officer shall be removed and/or replaced by the solar energy facilities owner or operator within 24 hours.
 - ii. Proper grounding of equipment.
 - iii. Compliant perimeter fencing in good repair.
 - iv. Proper signage.
 - v. Proper installation and maintenance of all safety systems.
 - vi. Proper control of vegetation.
 - vii. Proper maintenance of roads within solar energy facilities area.

5.5.5.3 Emergency Inspections.

- a. Any emergency inspections will be done at no cost to the owner or operator in the event of an Act of God or other disaster has occurred in which could be reasonably believed to have damaged or cracked any solar panels.
- b. Any solar energy facilities owner and/or operator shall incur a fine of \$300 per day for failing to correct any deficiencies identified by the Code Enforcement Officer within the time

frame established by the Code Enforcement Officer.

- c. All notifications on deficiencies shall be in writing and provided to the solar energy facilities owner and/or operator at the address provided in the most recent license application submitted to the Town.

5.5.6 Sizes and Limitations.

5.5.6.1 Small-Scale Solar Energy Facilities

- a. Small Scale Solar Energy Facilities are ones whose physical size are based on total size of the solar energy facility aggregate structure projected over a roof or the ground is less than 1,800 square feet.
- b. There is no limit to the number of small-scale solar facilities allowed in Hope.

5.5.6.2 Medium-Scale Solar Energy Facilities

- a. Medium-Scale Solar Energy Facilities are ones whose physical size are based on the total size of the solar energy facility aggregate structure projected over a roof or the ground is greater than 1,800 square feet but less than 40,000 square feet.
- b. There is a limit of three (3) medium-scale solar facilities allowed in Hope.

5.5.6.3 Large-Scale Solar Energy Facilities

- a. Large Scale Solar Energy Facilities are ones whose physical size are based on the total size of the solar energy facility aggregate structure projected over a roof or the ground is greater than 40,000 square feet.
- b. There is a limit of one (1) medium-scale solar facility allowed in Hope.