

TOWN OF HERSEY**LARGE-SCALE SOLAR ENERGY SYSTEMS MORATORIUM ORDINANCE****Enacted on March 6, 2023**

Pursuant to the 30-A M.R.S. §§ 3001 and 4356, the TOWN OF HERSEY hereby enacts an ordinance entitled "Large-Scale Solar Energy Systems Moratorium Ordinance" ("Moratorium Ordinance") as follows:

WHEREAS, the Maine Legislature recently enacted several laws intended to encourage development of renewable energy projects in the state of Maine; and

WHEREAS, as a result of these new laws, developers are proposing unprecedented numbers of solar energy systems throughout the state; and

WHEREAS, developers have expressed interest in developing Large-Scale Solar Energy Systems in Hersey, where undeveloped land is plentiful and regulation of such developments are minimal, and considering the Town of Patten has received and approved one such solar project application the Town reasonably anticipates applications or interest could soon follow; and

WHEREAS, the proposed location and operation of Large-Scale Solar Energy Systems within the Town of Patten ("Town") raises legitimate and substantial concerns about environmental, health, and safety impacts of such uses, their appropriateness in certain areas of the Town, as well as visual impacts and other consideration related to the appropriate siting of these systems; and

WHEREAS, because the Town's current ordinances do not address solar energy systems as a use in the Town of Hersey and contain no dimensional or performance standards for such a use, The Town's ordinances are inadequate to prevent serious public harm that could be caused by the unregulated development of Large-Scale Solar Energy Systems in and throughout the Town; and

WHEREAS, a moratorium is necessary to allow a reasonable amount of time for the Town to analyze and plan properly for development of Large-Scale Solar Energy System; and

WHEREAS, the Town intends to study, review, and develop new ordinances or ordinance amendments appropriate to address Large-Scale Solar Energy Systems, such new ordinances or ordinance amendments to receive a public hearing and be offered for Town Meeting action; and

WHEREAS, it is anticipated that such a study, review and development of recommended new ordinances or ordinance amendments will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance.

NOW, THEREFORE, based on the proceeding findings, be it ordained by the Town of Hersey, that this Moratorium Ordinance be, and hereby is, enacted and, in furtherance thereof, the Town does hereby declare a moratorium in the location, placement, operation, permitting, and licensing of Large-Scale Solar Energy Systems within the Town.

1. **Authority**. This Moratorium Ordinance is enacted pursuant to 30-A M.R.S. §§3001 *et seq.* and 4356, and Article VIII, Part Second of the Maine Constitution.
2. **Purpose**. The purpose of this Moratorium Ordinance is to allow the Town Officials and Town Staff reasonable time to evaluate the concerns raised regarding Large-Scale Solar Energy Systems, and to develop necessary new ordinances or ordinance amendments to provide adequate protection for the health, welfare, and safety of the Town of Hersey's inhabitants to address these concerns.
3. **Definition**. For the purposes of this Moratorium Ordinance, "Large-Scale Solar Energy System is defined as a system for transforming solar energy into another form of energy either for electrical or heat generation. purposes where that has a nameplate generation capacity of 125kw or greater.
4. **Effective Date**. This Moratorium Ordinance shall take effect once enacted by the Town of Hersey Special Town Meeting, but notwithstanding the provisions of 1 M.R.S. §302, Shall be applicable to any pending proceedings as set forth in Section 5 below.
5. **Applicability**. Notwithstanding the provisions of 1 M.R.S § 302 or any other law to the contrary, this Moratorium Ordinance, when enacted,

shall govern any proposed Large-Scale Solar Energy System that is new proposal or a pending proceeding (i.e., has been subject to at least one substantive review) as of the Enactment Date of this Moratorium Ordinance.

6. **Duration of Moratorium.** The Moratorium shall remain in effect for one hundred and eighty (180) days from the effective date of this Moratorium Ordinance, unless extended, repealed, or modified by the Town Board of Selectman under 30-A M.R.S. § 4356.
7. **Prohibition.** A Moratorium is hereby imposed, effective immediately and applicable to the maximum extent permitted by law, on all proceedings, applications, petitions, and requests for Large-scale Energy Systems that are pending proceedings (as Defined by 1 M.R.S. §302) as of the Enact Date of this Moratorium Ordinance and on any application for new expanded Large-Scale Solar Energy Systems with in the Town of Hersey filed on or after the Applicable Date of this Moratorium Ordinance. During the time of this Moratorium Ordinance is in effect, no officer, official, employee, office, board, or agency of the Town of Hersey shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of planning or land use approval or permit for or related to a Large-Scale Sole Energy System development with in the Town which was not already finally permitted by the Town prior to the Enactment Date of this Moratorium Ordinance.
8. **Enforcement.** If any Large-Scale Solar Energy System is established in contravention of this Moratorium Ordinance, the Select Board is hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provision of this Moratorium Ordinance. Any violation of this Moratorium Ordinance is subject to an information action under 30-A M.R.S. §4452. Each day of violation shall constitute a separate offense. All civil penalties insure to the benefit of the Town of Hersey. Any violation of this Moratorium Ordinance constitutes a nuisance.
9. **Severability.** Should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be

invalid, such a declaration shall not invalidate any other section or provision.

10. Enactment Date. Shall be the date this Moratorium Ordinance is approved by the Town Meeting.




