

TOWN OF CHELSEA, MAINE

SOLAR ARRAY MORATORIUM ORDINANCE

WHEREAS, the Town of Chelsea (hereinafter, the “Town”) adopted the Solar Array Ordinance (hereinafter, the “Ordinance”) on June 9, 2021, which seeks to promote solar energy production while protecting the health, safety, and welfare of the its residents and ensuring the harmonious siting of solar arrays;

WHEREAS, the Ordinance regulates certain elements of the design, construction, and permitting of solar energy conversion arrays (hereinafter, “solar arrays”);

WHEREAS, the Ordinance provides only limited standards related to the size and siting of solar arrays;

WHEREAS, the potential increased location and operation of large solar arrays within the Town raises legitimate and substantial concerns about the environmental, health and safety impacts of such uses, their appropriateness in certain areas, and the visual impacts and other considerations related to their appropriate siting;

WHEREAS, the Ordinance is insufficient to prevent serious public harm that may result from the insufficiently regulated location and development of solar arrays;

WHEREAS, a moratorium is necessary to allow the Town to analyze and properly plan for increased development and siting of solar arrays; and

WHEREAS, the Board of Selectmen, Planning Board, and Code Enforcement Officer shall study the Ordinance to determine appropriate amendments necessary to address the development and siting of solar arrays; and

WHEREAS, the Board of Selectmen anticipates that such a study and the review and development of recommended amendments will take at least one hundred and eighty (180) days from the date of adoption of this ordinance;

NOW, THEREFORE, be it ordained by the town meeting of the Town of Chelsea, that the following Solar Array Moratorium Ordinance (the “Moratorium Ordinance”) be, and hereby is, enacted and, in furtherance thereof, the town meeting does hereby declare a moratorium on the siting, installation, operation, permitting, and licensing of any new solar arrays within the Town.

For the purposes of this Moratorium Ordinance, a “solar energy conversion array” or “solar array” is defined as any single antenna, panel or array, including solar heating panels, solar photovoltaic panels, concentrated solar thermal installations, and antenna arrays, with a total surface area exceeding five thousand (5,000) square feet.

This Moratorium Ordinance shall take effect once enacted by town meeting, in accordance with the provisions of the Town’s ordinances. The moratorium herein declared shall remain in effect for one hundred and eighty (180) days from the effective date of this Ordinance, unless extended, repealed, or modified by the town meeting or Board of Selectmen, for the express purpose of drafting an amendment to the Ordinance or the Town’s ordinances to protect the public from health and safety risks, including the compatibility of solar arrays with existing and permitted uses within the Town.

BE IT FURTHER ORDAINED, that for the duration of this Moratorium Ordinance, no person or organization shall locate or operate a solar array within the Town and no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application or request for any type of license, permit, or approval related to a solar array.

BE IT FURTHER ORDAINED, that, notwithstanding 1 M.R.S. § 302 or any other law to the contrary, and regardless of the date of its enactment, this Moratorium Ordinance shall govern and apply to all proceedings and applications for a solar array that were or are pending before the Code Enforcement Officer or Planning Board on or any time after June 16, 2022.

BE IT FURTHER ORDAINED, that if any solar array is located or operated in the Town, 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 fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

BE IT FURTHER ORDAINED, that any provisions of the Town's ordinances that are inconsistent with or conflict with the provisions of this Moratorium 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 a court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.