

TOWN OF
DENMARK, MAINE
“Beautiful by Nature”



PLANNING BOARD
APPLICATION PACKAGE
FOR
LARGE SCALE SOLAR ENERGY SYSTEM
(LSSES)
CONDITIONAL USE PERMIT

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Conditional Use Permits for a Large Scale Solar Energy System (LSSES) shall be required for any new, addition to, or alteration of any existing LSSES, the resumption of any LSSES which has been discontinued for at least 5 years, and/or to any substantial increase or expansion in the volume or intensity of usage of a LSSES.

A LSSES shall be as defined in the Zoning Ordinance of the Municipality of Denmark, Maine (Zoning Ordinance) and generally defined as a solar energy system rated as producing an aggregate maximum power rating of at least 40KWdc and/or an aggregate collection or focusing area of at least 2,400 square feet.

The Town of Denmark, Maine Planning Board (Planning Board) is authorized to hear and decide upon applications for permits and approvals in accordance with State law and the provisions of the Zoning Ordinance. The Planning Board shall hear and approve, approve with modifications or conditions, or disapprove all applications for permits. Upon submission of an application, the applicant shall pay the fee(s) for review and approval of the Planning Board as set forth on the Town of Denmark Fee Schedule and shall be responsible for any additional costs to the Planning Board for advertising and processing the application. Ten complete copies of all applications and any supporting documents, and ten 11”X17” copies of the main site plan (if any), and three full size copies of all site plans and related drawings shall be submitted to the Planning Board Secretary at the Town of Denmark Municipal Building, along with a Portable Document Format (PDF) version of all submission materials (or other digital format approved by the Code Enforcement Officer and Planning Board Chair), at least ten days prior to the Planning Board meeting at which they are scheduled to be considered.

This application refers to Conditional Use provisions of Sections 3.2, 5.16., 5.17., 8.9., Appendix C, and Appendix D, and other Sections of the Zoning Ordinance. In addition to this application and permit, additional permits for Conditional Uses are required from at least the Code Enforcement Officer of the Town of Denmark.

A LSSES Conditional Use application meeting the standards of the Zoning Ordinance shall be reviewed and approved by the Planning Board before any use may be approved, or before any Building Permit may be issued for any new building or construction.

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Planning Board LSSES Conditional Use Permit Information And Procedures.

1. A person informed by the Code Enforcement Officer that a Conditional Use Permit for a LSSES is required shall file an application for the permit with the Planning Board using this form. All plans and application materials for a LSSES Conditional Use Permit presented for approval shall show the information noted in Exhibit A, “Application Requirements for LSSES Conditional Use Permits”, unless the Planning Board waives any of the requirements. Applications shall also include the Assessor Map and Lot numbers of all properties within 500 feet of the property(s) involved. Completed applications shall be submitted to the Planning Board Secretary at the Town of Denmark Municipal Building. The Secretary, in coordination with the presiding officer of the Planning Board, shall schedule a Public Meeting to review the application for completeness.
2. Within 35 days of determining a complete application has been submitted, and before taking action on this application, the Planning Board shall hold a Public Hearing on the application. The Planning Board shall notify the applicant, Code Enforcement Officer, Municipal Officers, the Town Manager, and the Board of Appeals, at least 10 days in advance of the time and place of the hearing and shall publish notice of the hearing at least 7 days in advance in a newspaper of general circulation in the area.
3. The Planning Board may schedule a site walk for Planning Board members and the public to physically inspect the property or site of the subject permit. If there is a refusal to allow the public onto the site, the Planning Board will cancel the site visit so as not to be in violation of State Statutes. Without a site walk, the Planning Board will not have the ability to view the site firsthand to properly assess the merits of the application.

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4. At least 10 days prior to the date of the Public Hearing, the Applicant shall cause notice by certified return receipt mailing of the Public Hearing to be given to and received by all Denmark property owners within 500 feet of the subject property. The property owners shall be considered to be those against whom taxes are assessed. The notice shall include at least the following information: (a) The name and contact information of the Applicant; (b) A brief description of the property involved; (c) A brief description of proposed structures, uses, and improvements, and; (d) The date, time, and place of the Public Hearing. The Applicant shall timely provide to the Planning Board a copy of the notice and proof of the certified mailings. Failure of any property owner within 500 feet of the subject property to receive a notice of any Public Hearing does not necessitate another Public Hearing or change in date of a Public Hearing or invalidate any action at a Public Hearing taken by the Planning Board – all providing the locations of said property owners and their contact information is obtained by the Applicant from Town of Denmark records.

5. At least 7 days prior to the date of the site visit, the Applicant shall cause notice by certified return receipt mailing of the site visit to be given to and received by all Denmark property owners within 500 feet of the subject property. The notice shall include at least the following information: (a) The name and contact information of the Applicant; (b) A brief description of the property involved; (c) A brief description of proposed structures, uses, and improvements, and; (d) The date, time, and place of the site visit. The Applicant shall timely provide to the Planning Board a copy of the notice and proof of the certified mailings. Failure of any property owner within 500 feet of the subject property to receive a notice of any site visit does not necessitate another site visit or change in date of a site visit – all providing the locations of said property owners and their contact information are obtained by the Applicant from Town of Denmark records.

6. At Public Hearings, in cases when more time, public reaction, and/or information is needed and/or more time for gathering, reviewing, and evaluating new and additional information, materials, and testimony is needed, or due to the lateness of the hour, the application review times shall be appropriately extended and Public Hearings may be suspended or continued, and reconvened at later dates.

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7. At any hearing, a party may be represented by an agent or attorney.
8. Within 35 days of the closing of the Public Hearing, the Planning Board shall make Findings of Fact and Conclusions of Law (see Exhibit B) and approve, approve with conditions, or deny the permit application. The Planning Board shall inform, in writing, the applicant, the Code Enforcement Officer, the Municipal Officers, the Town Manager, and the Board of Appeals of its decision and its reasons therefore within seven days of making its decision.
9. Failure to submit a properly completed application, exhibits, or fees may delay the processing of the application.
10. Where provisions in this Application Package differ from the M.R.S.A. or the Zoning Ordinance, the provisions of the M.R.S.A. or the Zoning Ordinance shall supersede.
11. A LSSES Conditional Use Permit secured under the provisions of the Zoning Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within one year of the date on which the application is approved, and if the work or change is not substantially completed within two years or if the use is not implemented within two years.
12. Planning Board independent consulting and peer review fees may be required in accordance with the provisions of Section 8.9. of the Zoning Ordinance.
13. No changes shall be made in any LSSES Conditional Use Plan approved by the Planning Board without approval of that change by the Planning Board.

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NAME OF PROPERTY OWNER(S) / APPLICANT(S):

MAILING ADDRESS: _____

CITY OR TOWN: _____ STATE: _____ ZIP: _____

TELEPHONE: _____

EMAIL ADDRESS: _____

TAX MAP: _____ LOT: _____ DEED BOOK: _____ PAGE: _____

STREET/ROAD LOCATION OF SUBJECT PROPERTY:

PROPERTY ZONING DISTRICT(S): _____

NAME OF PROPERTY OWNER REPRESENTATIVE (if there is one)

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EXISTING USE OF PROPERTY:

DESCRIBE EXISTING STRUCTURES ON PROPERTY, IF ANY (INCLUDING
DIMENSIONS):

DESCRIBE PROPOSED STRUCTURES AND IMPROVEMENTS (INCLUDING
DIMENSIONS):

PROPOSED USE: _____

As designated in the table in Section 3.2. of the Zoning Ordinance.

Continue responses on additional sheets if necessary and attach to this application. Also see
Exhibit A for additional submission information.

Property Owner Signature(s) _____ Date _____

_____ Date _____

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EXHIBIT A

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Application Requirements for LSSSES Conditional Use Permits

All applications and plans for Planning Board Large Scale Solar Energy System (LSSSES) Conditional Use Permits presented for approval shall include, at a minimum, the following information unless the Planning Board waives these requirements:

- a. A plan or plans presented for approval shall show the following information unless the Planning Board waives these requirements:
 - a.1. Site plan(s) Drawn at a scale 1" equals of not more than 50';
 - a.2. The name and address of the applicant (or his/her authorized agent) plus the name of the proposed development;
 - a.3. The assessor's map and lot number;
 - a.4. A date, scale and north arrow;
 - a.5. The zoning district where the premises in question is located;
 - a.6. All existing and proposed setback dimensions;
 - a.7. All landscaped areas, fencing, and size and type of plant material upon the premises in question;
 - a.8. All proposed signs and their size, location and direction of illumination;
 - a.9. The location of all existing and/or proposed buildings, if any, with dimensions showing finished grade elevations at all corners and entrances, plus all existing or proposed parking areas, driveways and access from a public street;
 - a.10. Complete building elevation drawings of any proposed structures, to show their height and bulk in relation to structures on adjacent lots;
 - a.11. All existing contours and proposed finished grade elevations of the entire site, and the system of drainage proposed to be constructed; and
 - a.12. An appropriate place for the signatures of the Planning Board.

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EXHIBIT A

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Application Requirements for LSSSES Conditional Use Permits

- b. A copy of the deed or other record of right, title or interest in the property;
- c. A soils report identifying the soils boundaries and names in the proposed development with the soil's information superimposed upon the plot plan in accord with the USDA Natural Resources Conservation Service National Cooperative Soil Classification.
- d. Evidence that the solar facility operator owns the subject land or has a satisfactory land purchase agreement or lease agreement for all the land associated with the LSSSES and, if lease, that the lease agreement remains in effect during the operation of the LSSSES.
- e. Evidence of financial capacity to construct and operate the proposed LSSSES.
- f. Comprehensive Stormwater management report and plans and details.
- g. Erosion control narrative and plans and details.
- h. Study identifying any endangered or protected flora and fauna on site.
- i. Evidence that the project as proposed has been presented to the following agencies, and written responses from those agencies: The Maine Natural Areas Program, the Maine Department of Inland Fisheries and Wildlife, the Maine Historic Preservation Commission, the Maine Department of Transportation, the Maine Department of Agriculture, Conservation & Forestry, and the Maine Department of Environmental Protection.
- j. Opinion as to whether the project as proposed requires a National Pollutant Discharge Elimination System (NPDES) permit.
- k. Plans showing changes to the landscape of the site, grading, vegetation clearing and planting, screening, lighting, structures, arrays, utilities, BMP's, and all proposed features.
- l. Property line metes and bounds.

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EXHIBIT A

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Application Requirements for LSSSES Conditional Use Permits

- m. Fencing and gate details.
- n. Plan showing water related features including water courses and bodies, wetlands, flood hazard areas, and vernal pools.
- o. Plan showing existing tree lines, rock outcroppings, trails, roads, fences, buildings, structures, and foundations.
- p. Plan showing any existing above or below ground utilities.
- q. Location of any deer wintering areas on site.
- r. A Phase I Environmental Site Assessment report and a response narrative from the solar facility operator or landowner of the LSSSES on next steps, if any.
- s. A table of required and provided zoning dimensional information (e.g. Setbacks, lot coverage, height, etc.)
- t. Documentation of the major solar related equipment to be used including manufacturer's specifications and cut sheets.
- u. An explanation of any transmission or distribution lines access or upgrades required as a result of the project including, but not limited to, route starting and ending points, potential impacts to street trees and rights of ways.
- v. An explanation of any new or proposed upgrades to electrical substations that are related to the LSSSES including, but not limited to, location, screening, setbacks, and noise impacts.
- w. Electrical diagram detailing the arrays installations, associated components, and electrical interconnection.
- x. A description of the amount of energy to be produced.
- y. Listing and status of other expected state and federal permits needed.

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Application Requirements for LSSSES Conditional Use Permits

- z. A decommissioning plan meeting the requirements of the Zoning Ordinance.
- aa. Written confirmation from the public utility company to which the LSSSES will be connected noting that it has been informed of the solar facility operator or landowner's intent to install the proposed grid connected system and that it has conditionally approved of such connection.
- ab. A written manual or guide for the Denmark Fire Department providing clear response information and instructions, including disconnection locations necessary for fire/emergency response.
- ac. A list of possible or intended dual uses of the property.
- ad. A check(s) for application fee(s) and for anticipated notification costs, consultant and legal fees, and reproduction and other miscellaneous costs.
- ae. Evidence that no portion of the LSSSES is visible from any point on a great pond or navigable waterway in Denmark.
- af. Evidence that no portion of the LSSSES is visible from a point five feet above a Public Road in Denmark.
- ag. Other pertinent information necessary to determine if the proposed development or use meets the provisions of the Zoning Ordinance.
- ah. Ten complete copies of all application materials, and ten 11"X17" copies of the main site plan (if any) have been submitted.
- aj. A Portable Document Format (PDF) version of all submission materials, or other digital format approved by the Code Enforcement Officer and Planning Board Chair.

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EXHIBIT B

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Findings Of Fact And Conclusions Of Law

Prior to granting approval of an application for a LSSES Conditional Use Permits, the Planning Board shall make Findings of Fact and Conclusions of Law in accordance with at least the following provisions unless any provision is waived by the Planning Board:

- a. The proposed use and/or structure will maintain safe and healthful conditions.
- b. The proposed use and/or structure will prevent and control water pollution and sedimentation.
- c. The proposed use and/or structure will not have an adverse impact on spawning grounds, fish, aquatic life, bird and other wildlife habitat.
- d. The proposed use and/or structure will conserve shore cover, visual as well as actual points of access to inland waters and natural beauty.
- e. Traffic access to the site meets the standards contained in the Zoning Ordinance, and traffic congestion and safety concerns have been addressed in accordance with the performance standards in the Zoning Ordinance.
- f. The proposed use and/or structure will comply with the town's flood plain management ordinance.
- g. Adequate provision for the disposal of all solid waste and wastewater produced has been made.
- h. The proposed use and/or structure will not have an unreasonable adverse impact on water bodies including the export of phosphorus off the site.
- i. Adequate provisions for the management of stormwater have been made.
- j. Existing vegetative cover will be preserved to the extent feasible.
- k. Adequate provisions for the control of soil erosion and sedimentation have been made;
- l. There is adequate water supply to meet the demands of the proposed use;

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Findings Of Fact And Conclusions Of Law

- m. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made;
- n. The use is consistent with the policies of the Comprehensive Plan;
- o. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor, visual impact, and the like;
- p. The minimum lot area has been met.
- q. The minimum setbacks have been met.
- r. The maximum lot coverage has been met.
- s. The Chapter 4 General Performance Standards of the Zoning Ordinance have been satisfied:
 - 4.1. Access to Lots.
 - 4.2. Accessory Buildings.
 - 4.3. Archaeological Sites.
 - 4.4. Buffer Areas.
 - 4.5. Erosion And Sedimentation Control.
 - 4.6. Landscaping.
 - 4.7. Off Street Parking and Loading Requirements.
 - 4.8. Protection Of Drinking Water Supplies.
 - 4.9. Roads and Driveways.
 - 4.10. Septic Waste Disposal.
 - 4.11. Signs.
 - 4.12. Soils.

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EXHIBIT B

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Findings Of Fact And Conclusions Of Law

- 4.13. Storage of Materials.
- 4.14. Stormwater Runoff.
- 4.15. Traffic Impacts and Street Access Control.
- 4.16. Village District Design Standards.
- 4.17. Water Quality Protection.
- t. That all standards in the Zoning Ordinance applicable to the proposed use will be met.
- u. For LSSES that required LSSES Security Fencing requirements will be met.
- v. For LSSES that the maximum land area encompassed within the Required LSSES Security Fencing will be 20 acres.
- w. For LSSES that buffers, as defined and required, will be met.
- x. For LSSES that height limitations will be met.
- y. For LSSES that access road, parking, and circulation requirements will be met.
- z. For LSSES that no portion of the LSSES is visible from any point on a great pond or navigable waterway in Denmark.
- aa. For LSSES that no portion of the LSSES is visible from a point five feet above a Public Road in Denmark.
- ab. That for LSSES the applicable provisions of Section 5.16., Solar Energy Systems, have been satisfied.

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EXHIBIT C

PERMISSION TO REPRESENT PROPERTY OWNER

Include this form if an agent will represent the deeded property owner.

NAME OF AGENT: _____

COMPANY Name (if applicable) _____

MAILING ADDRESS: _____

CITY OR TOWN: _____ STATE: _____ ZIP: _____

TELEPHONE: _____

EMAIL ADDRESS: _____

Property Owner Signature(s) _____ Date _____

_____ Date _____