

MEMORANDUM

TO: Freeport Planning Board

THROUGH: Caroline Pelletier, Assistant Planner

CC: Ben Smith, AICP, North Star Planning

From: Sarah DelGizzo, North Star Planning

RE: Solar Farm Zoning Changes

Date: November 26, 2019

Attached are edits to the proposed Freeport Zoning Ordinance that would allow medium (Community scale) and large (Utility scale) Solar Farms in certain zoning districts in Freeport. This draft has been edited to reflect changes discussed at the November 6th, 2019 Planning Board.

Drafted changes include:

- Updated Zoning Districts tables to reflect permitted zones for Solar Farm, Community (C-I, C-III, C-IV, I-I, I-II, LB, MDA, MDB, MDR-I, MDR-II, RP-II, RR-I, RR-IA, and RR-II) and permitted zones for Solar Farm, Utility (C-I, C-III, C-IV, I-I, I-II) (pg. 1).
- Language changed to require financial surety for Solar Farm, Utility scale only (pg. 2).
- Additional performance standards required via Section 527 in Commercial Districts (pg. 3). *Please see attached Section 527 for reference.*
- Additional setback requirements for properties abutting the following districts (RR-I, RR-II, RP-I, RP-II, MDR-I, MDR-II, V-I, and V-II) (pg. 3).
- Buffer requirements to reflect Section 506 where applicable (pg. 3). *Please see attached Section 506 for reference.*

Section 527. Performance Standards for Commercial Districts (C-I, C-III, C-IV)

The purpose of this section is to encourage a pattern of development along major roadways which minimizes the appearance of strip development and supports the following goals:

- Create harmonious and attractive signage;
- Encourage the development of architecturally well designed buildings;
- Provide for a safe flow of vehicular traffic;
- Encourage connectors between parcels for vehicles and pedestrians;
- Encourage pedestrian activity along the corridor;
- Minimize sky glow from lighting; and
- Create attractive settings for developments through the use of extensive plantings in the setbacks.

The following performance standards are for the Project Review Board to use to evaluate the specific plans for a site. The standards are mainly general in nature to encourage creative solutions related to the unique characteristics of individual sites. Detailed advisory guidance on suggested methods to meet the following standards is available in the Route One South Design Guidelines. These referenced Guidelines are provided as a supplement to this Ordinance, but do not take precedence over and are not requirements of this Ordinance.
{Amended, Effective 01/02/18}

A. Signage

1. Placement, materials, shape, size, colors and style of the sign(s) should complement the building and nearby properties.
2. The amount and size of the information on the sign should be consistent with the ability of the viewer to comprehend it.
3. Framing/supports should be in proportion to, and compatible with, the size of the sign and the size of the building.
4. One free standing sign per building is preferred
5. Lighting of interior illuminated signs should not create sky glow.
6. Dark background colors and light letter colors are preferred for interior illuminated signs.
7. Free standing signs should not be located in the side setback of lots.

8. One building sign per building side is preferred.
9. For multi-tenant signage, the review process may be streamlined if, at the original time of approval, minimum and maximum sign size and placement and a design plan are established. Subsequently, each tenant may choose the lettering. When tenants change, administrative approval can be obtained unless the sign changes are more significant than the name change.
10. The establishment of integrated sign systems for multi-tenant developments is encouraged.
11. Gooseneck lights on signs are preferable to ground lights. Ground lights are discouraged. If ground lights are used they shall have year-round screening with landscaping or some other method.

B. Building Design *{Amended, Effective 01/02/18}*

In addition to the criteria and standards included in Section 602.F.1.b. of the Freeport Zoning Ordinance regarding the relation of proposed buildings to the environment, the following standards apply.

1. For proposed building facades that face or are visible from any public road including but not limited to US Route One and Interstate 295, residential neighborhoods, or buildings on abutting properties, the following standards apply:
 - a. To prevent long, visually monotonous buildings facades, design features shall be added to the building such as but not limited to, wall plane projections, recesses, windows, roof elevation variations, variations in siding materials and orientations, moldings and trim are design features that must be incorporated into a building. In no case shall there be an uninterrupted span of wall for more than 50 feet. In addition, commercial buildings with wall heights greater than 20' shall be treated as a 2-story building in terms of window and trim treatment regardless of the number of floors on the inside of the building.
 - b. To encourage high quality buildings, architectural details on the front and side edges of pitched and flat roofs are required.
 - c. To create consistent building styles, all sides of the building should match or complement the style of the building that has the greatest visibility from a public street.
 - d. In addition to the standards of this section, to blend metal sided buildings in with other stick built buildings along a corridor, metal siding installed in a single direction is not permitted on a façade more than 12 feet tall or more than 50 feet long.
 - e. All façade elements shall be coordinated with the landscape plan.
2. Blank or unadorned walls are allowed if the walls are NOT directly visible from any public road including but not limited to US Route One and Interstate 295, residential neighborhoods, or buildings on abutting properties.

C. Vehicular Access.

1. New access points on Route One shall not be closer than 300 feet to an existing access point to the greatest extent possible.
2. Sharing of common driveways is encouraged, especially for access to abutting lots which are nonconforming in area and/or frontage.
3. Where possible, access from a side street or driveway is preferable to access from Route One.
4. A minimum of the first 50 feet of any driveway off Route One shall be paved.
5. Driveways between parcels to connect adjacent parking lots are required where they are practical to improve vehicular travel without using U.S. Route One and where environmentally feasible.

D. Pedestrian Access

1. A pedestrian access at least 5 feet wide connecting abutting parcels shall be constructed on each parcel where development is proposed. If the adjoining parcel is developed, the access should be designed to relate to existing facilities on the abutting lot. Materials might be asphalt, stone dust or wood, as examples. If the abutting lot is not developed, the plan shall contain a statement that says that continuous and consistent access will be created when the abutting lot is developed. The Project Review Board may waive this requirement if no reasonable access is available due to, for example the presence of wetlands, and/or steep slopes.

E. Front landscaped setback

The purpose of the landscaped setback is to soften the appearance of structures and parking lots from the road and to screen vehicular headlight glare on and off site.

1. If drainage basins and swales are located in the setback, they should be landscaped with trees or shrubs and the edge of the basin should be graded, if possible, to create height variations (a berm effect). If landscaping and berming will eliminate the retention/detention function of the basin, the basin should be relocated outside of the setback or the size of the setback should be increased to accommodate the basin and the landscaped strip.
2. Preservation of existing mature trees and planting or preservation of masses of shrubs in the setback is encouraged.
3. Landscaping should include planting of new trees and shrubs if none presently exist.
4. Loaming and seeding may be a part of the landscaping plan but should not be the only element of the plan.
5. Fencing may be incorporated into the landscaping plan, at the interior edge of the front landscaped setback, especially to screen vehicular lights from the roadway.

G. Site Features

1. In general, no more than three flagpoles should be located on a parcel.

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2. The height of the flagpole shall be in proportion to the height of the building. The dimensions of the flag shall be in proportion to the dimensions of the flagpole.

Section 506. Buffer Zones

No building or structure shall be erected or any use permitted in the following districts (RR-IA, C-I, C-III, C-IV, MD, LB, VC-I, VC-II, VC-III, I-I, I-II, MW) which abut the following districts (RR-I, RR-II, RP-I, RP-II, MDR-I, MDR-II, V-I, and V-II) unless the following requirements are satisfied.

- A. The side and rear yards abutting residential districts shall maintain the district boundary in its natural state to provide a buffer of at least the setback distance. Where larger buffers are required by specific District provisions, the larger size shall prevail.
- B. When natural features such as slope, gullies, stands of trees, shrubbery or rock outcrops do not exist or are insufficient to provide a buffer, the developer shall landscape, or where not feasible, provide fencing or screening.
- C. Natural features, landscaping, or, if necessary, fencing or screening, should not be expected to hide the proposed development from abutting properties, but only to soften the impact so that it is no more adverse than the Permitted Uses, as stipulated in the (B) subsections of Article IV in the Residential Districts.
- D. Fencing and screening, when necessary, shall be properly maintained and located or constructed in such a manner that it can be maintained from the developer's property.
- E. The buffer zone shall be located in the non-residential district.
- F. Notwithstanding subsections (A) and (E) above, when a lot is transected by a zoning district boundary, the buffer required by this Section may be maintained from the lot line rather than from the district boundary line.

Section 104 Definitions

Solar Energy System: A device or structural design feature whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Farm, Community: a Solar Energy System, roof or ground-mounted, that generates electricity for off-site accounts and has an array area (including panel area and inter-panel space) smaller than 87,120 square feet (2 acres).

[Note: this size system generates up to about 350 kilowatts]

Solar Farm, Utility: a Solar Energy System, roof or ground-mounted, that generates electricity for off-site accounts, and has an array area (including panel area and inter-panel space) between 2 acres and 30 acres.

[Note: By statute, Solar Farms can generate up to 5MW, which would have a size of about 25-30 acres]

Section 400s Zoning Districts

Solar Farm, Community by zoning district, as Permitted (P) or Not Permitted (X).

C1	C3	C4	I1	I2	LB	MDA
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
MDB	MDR1	MDR2	RP1	RP2	RR1	RR1A
<u>P</u>	X	<u>P</u>	X	<u>P</u>	<u>P</u>	<u>P</u>
RR2	VC1	VC2	VC3	VC4	VMU-1	VMU-2
<u>P</u>	X	X	X	X	X	X
V1	V2	Bustins	ID	MW	SP	SA
X	X	X	X	X	X	X

Comment [SD1]: Confirm size categorization

Comment [SD2]: Confirm: not permitting in Shoreland Area or Marine Waterfront

Solar Farm, Utility by zoning district, as Permitted (P) or Not Permitted (X).

C1	C3	C4	I1	I2	LB	MDA
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	X	X
MDB	MDR1	MDR2	RP1	RP2	RR1	RR1A
X	X	X	X	X	X	X
RR2	VC1	VC2	VC3	VC4	VMU-1	VMU-2
X	X	X	X	X	X	X
V1	V2	Bustins	ID	MW	SP	SA
X	X	X	X	X	X	X

Section 500s Solar Energy Systems

A. General Standards

- a) Solar Energy Systems generating power for on-site consumption or to offset electrical use of on-site accounts shall be considered Accessory to the Principal Use. These Solar Energy Systems shall be permitted wherever Accessory Uses are permitted and shall conform to the standards for Accessory Structures of the applicable district.
 - a. Building or roof mounted Solar Energy Systems shall be considered part of the structure and reviewed by the Code Enforcement Officer, subject to the Building Code.
 - i. These Solar Energy Systems are exempt from the Application Requirements and Performance Standards of this Section.
 - b. Ground mounted Solar Energy Systems shall be reviewed by the Staff Review Board, unless they require Planning Board review.
- b) Solar Energy Systems generating power for off-site consumption or to offset electrical use of off-site accounts shall not be considered an Accessory Use and shall conform to the standards listed below.
 - a. Solar Farm, Community and Solar Farm, Utility uses shall be reviewed by the Project Review Board.

B. Application Requirements for Solar Farm, Community and Solar Farm, Utility

- a) A fully executed and signed copy of the application for Site Plan Review. The application will be provided by the planning department.
- b) Name of the owner and operator of the Solar Energy System facility, and the names of the owner of the property.
- c) Cover letter describing the project, with details on the proposed system and the subject property.
- d) Plans (including location of proposed system, identifying the location of the Solar Energy System facility on the property and physical dimensions of the system and the property. Location of any public road or right-of-way that is contiguous with the property. Location of overhead utility lines) See section 602.D.4
- e) A decommissioning plan for the removal of the Solar Energy System for the removal of the facility and stabilization of the site.
 - a. At the time of approval of a Solar Farm, Utility, the applicant shall submit to the Town cash or a letter of credit a bond or similar form of financial surety, to be approved by the Town Manager, in an amount equal to one hundred twenty-five percent (125%) of the projected total cost of removing the entire Solar Energy System, and reclaiming the site to its pre-construction condition. Should the operation of the facility cease in the future, and the facility is dismantled by the owner and/or operator, the performance guarantee shall be

returned to the owner and/or operator, ~~including any interest that may have accrued during the time it was held by the town.~~ The accepted form of surety shall be reviewed by the Town Manager or designee every five (5) years, and renewed or increased when necessary.

C. Performance Standards for Solar Farm, Community and Solar Farm, Utility Additional Performance Standards are applicable in Commercial Districts (C-I, C-III, C-IV). See Section 527.

a) Space Standards

- i. Maximum height shall be 25 feet. Height shall be measured from the lowest point of the structure above grade to the highest point of the facility when orientated at maximum tilt.
- ii. Minimum setback shall conform to requirements of the zoning district or 20 feet from lot line, whichever is greater.
- iii. For projects that abut the following districts (RR-I, RR-II, RP-I, RP-II, MDR-I, MDR-II, V-I, and V-II) the following minimum setbacks shall be met:
 - a. Front: 100 feet
 - b. Side: 100 feet
 - c. Rear: 100 feet

Comment [SD3]: Look at this definition with Ben before sending to Caroline.

Comment [SD4]: Does NOT list LB, MDA, MDB, RR-IA, VC-I, VC-II, VC-III, VC-III, VMU-I, VMU-II. Discuss with Planning Board if additional zones shall be included.

Comment [SD5]: Discuss setback requirements with Planning Board.

b) Design & Aesthetics

- i. Buffers shall, at minimum conform to requirements of the zoning district and where applicable, shall conform to the requirements of Section 506. ~~Staff Review Board has the authority to require additional buffers dependant on solar energy system location (Section 506).~~
- ii. Safety and Signage. All signs on Solar Energy Systems shall conform to the Freeport Sign Ordinance (Chapter 23). A sign meeting those regulations shall be required to identify the owner and provide a 24-hour emergency contact phone number. All electrical and control equipment for a ground-mounted solar energy system shall be labeled and secured to prevent unauthorized access.
- iii. Stormwater management shall conform to requirements in Section 529.
- iv. Lighting shall conform to requirements in Section 521.A.

c) Decommissioning and Removal

- iii.i. Decommissioning and removal of the Solar Energy System is required after twelve (12) consecutive months of no power generation. The owner and/or operator shall remove the system, in its entirety, by no later than 90 days after the end of the twelve-month period.

Comment [SD6]: PB suggestion to add language about output/capacity – I would advise against this bc SES are dependent on the sun, which is not within owner's control.

| Proposed amendment of existing Height definition:

Height: The vertical distance of a building measured from the average elevation of the finished grade within 20' of the building's contiguous perimeter, to the highest point of the roof for flat and mansard roofs and to a point which includes 30% of the height between eaves and ridge for other types of roofs. Height limitations shall not apply to chimneys, steeples, water standpipes, detached barns used for agricultural purposes, spires or other similar non-habitable structures. Height limitations do apply to wireless telecommunications facilities as defined in this Section 104, and those regulations are listed below and in Section 528. Height limitations do apply to Solar Energy Systems as defined in Section 500, and those regulations are listed in Section 500.

Comment [SD7]: Solar Ordinance Section TBD

Comment [SD8]: Solar Ordinance Section TBD