

## **TOWN OF CAMBRIDGE, MAINE**

### **LARGE-SCALE SOLAR ENERGY SYSTEMS MORATORIUM ORDINANCE**

**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**, the location and operation of Large-Scale Solar Energy Systems within the Town of Cambridge (“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 considerations related to the appropriate siting of these systems; and

**WHEREAS**, State statute (30-A M.R.S. § 4352(2)) requires a zoning ordinance to “be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body” and the Town of Cambridge Comprehensive Plan, adopted September 14, 1991, Amended March 6, 1993, does not mention or discuss the location and regulation of solar energy systems; and

**WHEREAS**, because the Town’s current Zoning Ordinance for the Town of Cambridge, Maine, Amended May 8, 2004

("Zoning Ordinance") prohibits the commercial generation of electrical power by any means in 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 Select Board intends to direct the preparation of draft Zoning Ordinance and Comprehensive Plan amendments as necessary to regulate Large-Scale Solar Energy Systems, and the Planning Board, Code Enforcement Office and the Appeals Board would study those drafts, the Zoning Ordinance and Comprehensive Plan to develop appropriate amendments to address Large-Scale Solar Energy Systems, which amendments would receive public hearing and would be offered to the Select Board 30 days prior to a Town Meeting for action; and

**WHEREAS**, it is anticipated that such a study, review and development of recommended Zoning Ordinance and Comprehensive Plan amendments will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance;

**NOW, THEREFORE**, based upon the preceding findings, be it ordained by the Town of Cambridge, that the following Large-Scale Solar Energy Systems Moratorium Ordinance ("Moratorium Ordinance") be, and hereby is, enacted and, in furtherance thereof, the Town does hereby declare a moratorium on the location, 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 Town officials and staff reasonable time to evaluate the concerns raised in regards to Large-Scale Solar Energy Systems, and to develop necessary Zoning Ordinance and Comprehensive Plan amendments to provide adequate protection for the property, health, welfare, and safety of the Town of Cambridge's residents 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, primarily for off-site use and where the system is 8,000 square feet or greater in area.

**4. Effective Date.** This Moratorium Ordinance shall take effect once enacted by the Town of Cambridge Town Meeting, but notwithstanding the provisions of 1 M.R.S. § 302, shall be applicable as of March 5, 2022 as expressly provided 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 for which an application for approval has not been deemed complete by the Planning Board

and has not been the subject of at least one substantive review meeting by the Planning Board prior to March 5, 2022, the Applicable Date of this Moratorium Ordinance.

**6. Duration of Moratorium.** The moratorium shall remain in effect for one hundred and eight (180) days from the effective date of this Moratorium Ordinance, unless extended, repealed, or modified by the Town Board of Selectmen 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 Solar Energy Systems that are not pending proceedings (as defined by 1 M.R.S. §302) as of the Applicable Date of this Moratorium Ordinance and on any application for new or expanded Large-Scale Solar Energy Systems within the Town of Cambridge filed on or after the Applicable Date of this Moratorium Ordinance. During the time this Moratorium Ordinance is in effect, no officer, official, employee, office, board, or agency of the Town of Cambridge shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of zoning, planning, or land use approval or permit, including but not limited to conditional use approval, for or related to a Large-Scale Solar Energy System development within the Town which was not already permitted by the Town or was not a pending proceeding for purposes of review prior to the Applicable 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 provisions of this Moratorium Ordinance. Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S. § 4452. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Cambridge. 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.

**Enacted and ordained** into an Ordinance on March 5, 2022, by the Legislative Body of the Town Of Cambridge in lawful session duly assembled.

Selectmen of Cambridge Certified;

1<sup>st</sup> Selectman Michael R. Watson Date: 3-5-2022

2<sup>nd</sup> Selectman [Signature] Date: 3-5-2022

3<sup>rd</sup> Selectman Ronald R. Watson Date: 3-5-2022