

IN TOWN COUNCIL
DEXTER, MAINE

ORDINANCE C2026-3

~~February 12, 2026~~
March 19, 2026

BE IT ORDAINED, that the Dexter Town Council hereby amends the Code Book Appendix C Land Use by adding Appendix E Solar Energy Ordinance

Section 1. Purpose and Intent

A. To prohibit the installation of new commercial, medium-scale, and large-scale solar energy systems within the Town of Dexter pursuant to the Town's home rule authority under **30-A M.R.S.A. § 3001** and zoning powers under **30-A M.R.S.A. §§ 4352–4353**.

B. To allow and regulate private, small-scale solar energy systems that are accessory to residential use, while protecting public health, safety, welfare, scenic resources, and neighboring property values in accordance with **30-A M.R.S.A. § 4352**.

C. Any solar energy system not meeting the definition of a Small-Scale Solar Energy System is expressly prohibited and shall not be subject to permitting, site plan review, or approval under this Ordinance, except for commercial, medium-scale, or large-scale solar energy systems that were lawfully permitted, approved, or constructed prior to the effective date of this Ordinance, which shall be considered legally nonconforming ("grandfathered") uses under **30-A M.R.S.A. § 4452(3)** and subject to the provisions of Sections 6, 7, and 8 of this Ordinance.

Section 2. Applicability

This Ordinance applies to all solar energy systems proposed, constructed, modified, or operated within the Town of Dexter, except where expressly exempted herein.

Commercial, medium-scale, and large-scale solar energy systems lawfully permitted, approved, or constructed prior to the effective date of this Ordinance shall be permitted to continue operation as legally nonconforming uses pursuant to **30-A M.R.S.A. § 4452(3)**, subject to ongoing compliance with Sections 6, 7, and 8 of this Ordinance. No expansion, enlargement, or intensification of such systems shall be permitted.

Section 3. Definitions

Solar Energy System (SES):

A system of solar panels, mounting structures, wiring, inverters, and associated equipment designed to convert sunlight into electrical or thermal energy for on-site use.

Small-Scale Solar Energy System:

A solar energy system with a nameplate capacity of twenty-five (25) kilowatts or less, intended primarily to offset on-site residential energy consumption and not designed for the principal purpose of energy export or commercial sale.

Solar Energy Conversion Array (SECA):

All components and subsystems required to convert solar energy into usable electric or thermal energy, including photovoltaic panels, mounting systems, inverters, and related equipment.

Grandfathered Solar Energy System:

A commercial, medium-scale, or large-scale solar energy system that was lawfully permitted, approved, or constructed prior to the effective date of this Ordinance and is allowed to continue as a legally nonconforming use pursuant to **30-A M.R.S.A. § 4452(3)**.

Section 4. Exempt Solar Energy Systems

The following small-scale systems are exempt from Planning Board review pursuant to the Town's site plan authority under **30-A M.R.S.A. § 4352**, but remain subject to building, electrical, and fire codes:

1. Roof-mounted small-scale solar energy systems installed on legally permitted residential or accessory structures.
2. Ground- or pole-mounted small-scale solar energy systems with a total panel area of less than 5,000 square feet, used solely for on-site energy consumption.
3. Building-integrated solar systems, including solar shingles, solar canopies, and similar technologies.
4. Repair or replacement of existing system components that does not increase the system's size, height, or footprint.

Section 5. Dimensional and Design Standards (Small-Scale Systems)

A. Height:

Ground- or pole-mounted systems shall not exceed twenty (20) feet in height, measured from grade to the highest point at maximum tilt, consistent with local zoning authority under **30-A M.R.S.A. § 4352**.

B. Structural Certification:

Roof-mounted systems shall be certified by a Maine-licensed professional engineer pursuant to **32 M.R.S.A. § 13501 et seq.** as capable of supporting all imposed loads.

C. Lot Coverage:

Ground-mounted systems shall be included in lot coverage calculations in accordance with applicable zoning standards adopted under **30-A M.R.S.A. § 4352.**

D. Design and Siting:

1. Systems shall use non-reflective materials where practicable, consistent with public safety and nuisance prevention authority under **30-A M.R.S.A. § 3001.**
2. Installations shall not unreasonably interfere with solar access on adjoining properties.
3. Visual impacts shall be minimized through placement, screening, and color selection consistent with surrounding development.

Section 6. Permitting Requirements (Small-Scale Solar Energy Systems)

A. Building Permit:

All non-exempt small-scale solar energy systems shall require a building permit issued by the Code Enforcement Officer pursuant to **30-A M.R.S.A. § 4451** and the Maine Uniform Building and Energy Code (MUBEC, **10 M.R.S.A. § 9721 et seq.**).

B. Required Submissions:

Permit applications shall include system specifications, site location, and any documentation necessary to demonstrate compliance with this Ordinance and applicable codes.

C. Code Compliance:

All systems shall comply with:

- Maine Uniform Building and Energy Code (**10 M.R.S.A. § 9721 et seq.**)
- National Electrical Code as adopted by the State of Maine (**NFPA 70**, adopted by reference under **10 M.R.S.A. § 9721**)
- Natural Resources Protection Act (**38 M.R.S.A. §§ 480-A through 480-JJ**)
- Maine Stormwater Management Law (**38 M.R.S.A. §§ 420-D through 420-G**)
- Applicable utility interconnection standards as regulated by the Maine Public Utilities Commission (**35-A M.R.S.A. §§ 101 et seq.**)

Section 7. General Safety and Operational Standards (Small-Scale Solar Energy Systems)

1. Electrical wiring shall be installed underground where practicable, consistent with public safety authority under **30-A M.R.S.A. § 3001**.
2. Systems shall not cause harmful electromagnetic interference beyond the property boundary, consistent with nuisance prevention under **17 M.R.S.A. § 2791** and local police powers.
3. Emergency contact information and warning signage shall be clearly visible in accordance with fire safety standards adopted under **25 M.R.S.A. §§ 2391–2454**.
4. All exposed electrical components shall be secured to prevent unauthorized access pursuant to **30-A M.R.S.A. § 3001**.
5. Lighting, if provided, shall be shielded, downcast, and minimized in accordance with dark sky and nuisance mitigation principles under **30-A M.R.S.A. § 3001**.
6. **Emergency Access and Safety:**
Solar energy systems shall be designed, installed, and maintained to provide safe, clear, and unobstructed access for fire, rescue, and other emergency response services pursuant to **25 M.R.S.A. §§ 2391–2454** and applicable fire codes. This shall include, but not be limited to:
 - Adequate access pathways to solar arrays, inverters, and shutoff devices;
 - Clearly labeled and readily accessible emergency disconnects in accordance with applicable fire and electrical codes; and
 - Installation and layout that does not impede emergency response, firefighting operations, or roof ventilation activities.

Section 8. Decommissioning and Abandonment (Small-Scale Solar Energy Systems)

A. Abandonment:

A small-scale solar energy system that ceases operation for a continuous period of twelve (12) months shall be deemed abandoned pursuant to municipal enforcement authority under **30-A M.R.S.A. § 4452**, unless the owner demonstrates intent to resume operation.

B. Removal Requirements:

The owner shall, within twelve (12) months of abandonment:

1. Remove all system components, foundations, and supports to a depth of four (4) feet below grade; and
2. Restore disturbed areas with native vegetation or other approved stabilization methods, consistent with environmental protection laws under **38 M.R.S.A. § 420-D et seq.**

C. Enforcement:

Failure to comply with this section may result in enforcement action pursuant to **30-A M.R.S.A. § 4452** and applicable state law.

Section 9. General Standards for all Medium or Large Arrays (Grandfathered Systems Only)

These standards apply only to commercial, medium-scale, and large-scale solar arrays lawfully permitted prior to the effective date of this Ordinance, as legally nonconforming uses under **30-A M.R.S.A. § 4452(3)**:

1. Unless otherwise specified through a written contract, lease or other agreement, a copy of which is on file with the Dexter Code Enforcement Officer, the property owner of record will be presumed to be the responsible party for owning and maintaining the array pursuant to **30-A M.R.S.A. § 3001**.
2. Approval under this Ordinance is conditional upon compliance with all other Dexter Ordinances, the Maine Plumbing and Electrical Codes (**MUBEC, 10 M.R.S.A. § 9721 et seq.**), Natural Resources Protection Act (**38 M.R.S.A. §§ 480-A through 480-JJ**), Stormwater Management Law (**38 M.R.S.A. §§ 420-D through 420-G**) or other applicable regulations and any requirements of the local utility if any array is to be connected to any existing electric grid (**35-A M.R.S.A. §§ 101 et seq.**).
3. An array shall not be constructed until the Solar Array Complex plan has been approved by the Planning Board pursuant to **30-A M.R.S.A. § 4352** and a Building Permit has been issued by the Code Enforcement Officer pursuant to **30-A M.R.S.A. § 4451**, and any applicable appeal period has passed without an appeal being filed.
4. All arrays shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site, consistent with nuisance prevention authority under **30-A M.R.S.A. § 3001**.
5. All on-site electrical wires or piping associated with the system shall be installed underground except for "tie-ins" from above-ground mounted installations and to public-utility company transmission & distribution poles, towers and/or lines, consistent with public safety authority under **30-A M.R.S.A. § 3001**. This standard may be waived by the Planning Board if the project terrain is determined to be unsuitable for underground installation.
6. The array site shall not display any permanent or temporary signs, writing, symbols, logos, or any graphic representation of any kind except appropriate manufacturer's or installer's identification and warning signs, consistent with local sign regulation authority under **30-A M.R.S.A. § 4352**.
 - i) **Signage** – A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the Solar Energy System informing individuals of potential voltage hazards pursuant to **25 M.R.S.A. §§ 2391–2454**.
7. Energy System site plan — the project owner shall include an operation and maintenance plan, which shall include measures for maintaining safe access to the installation as well as the roles and responsibilities of the system owner, operator, landowner and any other party involved in the project's general procedures for operational maintenance, consistent with municipal oversight authority under **30-A M.R.S.A. § 4352**.

8. **Emergency Services** – The owner or operator of a large-scale ground-mounted Solar Energy System shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief pursuant to **25 M.R.S.A. §§ 2391–2454**. Upon request the owner or operator shall cooperate with the local emergency services in developing an emergency response plan. A “3200 Series KNOX BOX” shall be provided and installed by the operator to allow emergency service personnel continuous access. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
9. **Maintenance Conditions** – The owner or operator of a large-scale ground-mounted Solar Energy System shall maintain the facility in good condition pursuant to **30-A M.R.S.A. § 3001**. Maintenance shall include, but not be limited to, faulty wiring, structural repairs, and integrity of security measures. All such systems will be fenced with a chain link fence that is at least 6 feet in height. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access roads.
10. Array placement must be designed to minimize or negate any solar glare onto nearby properties or roadways, consistent with nuisance prevention authority under **30-A M.R.S.A. § 3001**.
11. If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky, consistent with dark sky protection principles under **30-A M.R.S.A. § 3001**.
12. Any point of potential contact of people or animals with generated electric current must be secured pursuant to public safety authority under **30-A M.R.S.A. § 3001**.
13. A perimeter fence will be erected around the solar array, minimum height of 6 ft., consistent with site security authority under **30-A M.R.S.A. § 3001**.
14. Arrays covering permanent parking lots and other hardscape areas approved by the Planning Board are encouraged to limit the amount of stormwater flowage pursuant to **38 M.R.S.A. § 420-D et seq.** Where the array will cover existing hardscape (impermeable surface) areas, the Planning Board may in its discretion waive the vegetated buffer requirement so long as the required setback is met.
15. If electric storage batteries are included as part of any array system, they must be installed according to all requirements set forth in the National Electrical Code (**NFPA 70**) and State Fire Code (**25 M.R.S.A. § 2452**). When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of Dexter and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal pursuant to **38 M.R.S.A. §§ 1301 et seq.** and **38 M.R.S.A. §§ 1319-C et seq.**

Section 10. Guarantee for Removal (Grandfathered Systems Only)

At the time of approval of a proposed array, and prior to initiating construction of any array within the Town of Dexter, the applicant must guarantee the costs for the removal of the facility pursuant to municipal performance guarantee authority under **30-A M.R.S.A. § 4354**.

1. The amount of the guarantee shall be equal to 125% of the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine pursuant to **32 M.R.S.A. § 13501 et seq.** or a professional array construction company.
2. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional array construction company every five (5) years from the date of the Planning Board's approval of the Solar Array Complex plan. If the cost estimate isn't revised within one year of the (5) year anniversary, the owner forfeits the accrued interest up to that date and every day after until the estimate is done.
3. The guarantee shall be in an Interest-Bearing Escrow Account.
 - a. A cash contribution equal to 125% of the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the Town of Dexter, a direct deposit into a savings account, or the purchase of a certificate of deposit.
 - b. For any account opened by the applicant, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for withdrawal of funds.
 - c. Any interest earned on the escrow account shall be returned to the applicant unless the applicant hasn't revised the decommission estimates as described above, or the Town has found it necessary to draw on the account, in which case the interest earned will be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required work.

Section 11. Decommissioning and Abandonment (Grandfathered Systems Only)

The owner or operator of the facility, or the owner of the parcel if there is no separate owner or operator of the facility or if the owner/operator fails to do so, shall do the following as a minimum to decommission the project pursuant to municipal enforcement authority under **30-A M.R.S.A. § 4452**:

- a. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least four feet below grade.
- b. Revegetate any cleared areas with appropriate plantings that are native to the region according to an approved Solar Array Complex plan, unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to the Planning Board's approval.
- c. Fill in all holes, depressions or divots resulting from the construction of the array.
 1. All said removal and decommissioning shall occur within 12 months of the facility ceasing to operate.

2. Abandonment will occur because of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:
 - a. The land lease (if applicable) ends; or
 - b. The system does not function for 12 months; or
 - c. The system is damaged and will not be repaired or replaced.
3. A notice submitted to the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility shall be updated every six months with a statement of the progress made towards that goal.
4. If the facility has not returned to operational condition within one year from the date of the first notice of the intent to maintain and reinstate the operation of the facility, the Code Enforcement Officer shall find the facility has been abandoned unless there is documentable evidence that the process has had significant progress and in the Code Enforcement Officer's opinion is likely to be completed in a timely manner.
5. Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or parties) responsible by certified mail or by hand delivery with signed receipt that they must remove the facility and fully restore the site in accordance with this Ordinance within three hundred and sixty (360) days of notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Dexter Town Council.
 - a) In the event the lessee of the facility fails to decommission the facility as outlined above, the landowner shall decommission the facility within 90 days of notice by the Code Enforcement Officer.
 - b) In the event the landowner fails to remove the facility as stated above, the Town of Dexter shall have the facility removed and shall reimburse the Town's costs by accessing any performance guarantee provided.
 - c) Any unpaid costs associated with the removal after one year of removal shall be enforced as a special tax to be assessed against the real estate of the array site pursuant to 36 M.R.S.A. § 552 and municipal lien authority.

Section 12. Severability

If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions pursuant to standard severability doctrine recognized under Maine law.

Filed March 19, 2026
ADAM BRIGGS