



TOWN OF ORANGE
NANCY M. BLACKMER, MMC/CMMC
TOWN CLERK

6 Prospect Street, Orange, MA 01364
Phone – 978-544-1100, ext. 101, Fax – 978-544-1134
E-mail – townclerk@townoforange.org
www.townoforange.org

June 20, 2019

Pursuant to warrant duly served and posted, the inhabitants of the Town of Orange qualified to vote in elections and town affairs at the Annual Town Meeting held at the Ruth Smith Auditorium on June 17, 2019 and continued until June 18, 2019 at 7:00 p.m. passed the following article:

ARTICLE 30: SOLAR VOLTAIC SYSTEM BYLAWS

Motion passed, by required 2/3, to amend the Town of Orange Zoning Bylaw to revise current section 3340 Solar Access to include a section regulating Large Scale ground mounted solar photovoltaic installations, with the proposed amendments being shown more particularly in text placed on file with the Town Clerk and available at Town Meeting, and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format for the Code of Orange.

4700 LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

4710 Purpose and Intent

The purpose and intent of this bylaw is to provide standards for the placement, design, construction, operation, monitoring, modification, and removal of large-scale ground-mounted solar photovoltaic installations which address public safety; minimize impacts on scenic, natural and historic resources; and enhance natural habitat. An adequate agreement of financial assurance shall be provided in the case of large-scale ground-mounted solar installations for the eventual decommissioning or termination of such installations.

4720 Applicability

This bylaw applies to the construction; operation; and/or physical modifications that materially alter the type, configuration, physical size and generating capacity of commercial and residential large-scale ground-mounted solar photovoltaic (PV) installations measuring 1.25 acres (54,450 square feet) in area and not to exceed a maximum 35 acres.

Subject to the requirements of this bylaw, large-scale ground-mounted solar photovoltaic installations shall be permitted in all Zoning Districts subject to a Special Permit from the Orange Planning Board, pursuant to Section 5300, Special Permits, of the Orange Zoning Bylaw.

This bylaw does not pertain to solar photovoltaic panels installed on residential, industrial or commercial structures. Those installations are subject to the State Building Code. This bylaw also does not pertain to solar carport canopies to be built over existing rows of parking spaces. Such installations are considered Accessory Buildings and Uses under Section 2400 and are subject to the State Building Code.

4730 Permit Granting Authority

The Special Permit Granting Authority shall be the Orange Planning Board for large-scale ground-mounted solar photovoltaic installations.

4740 General Requirements for All Large-Scale Ground-Mounted Solar Photovoltaic Installations

The following requirements shall apply to all large-scale ground-mounted solar photovoltaic installations subject to this bylaw.

4741 Compliance with Laws, Bylaws and Regulations

The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.

4742 Building Permit and Building Inspection

No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

4743 Fees

The application for Special Permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a Special Permit, Site Plan Review, any peer review consultants that may be required by the Orange Planning Board and paid for by applicant pursuant to MGL Ch. 44, Sec. 53G, and all other related expenses, including the cost of mailing notices to abutters.

4744 Site Plan Review

a) Large-scale ground-mounted solar photovoltaic installations measuring 1.25 acres (54,450 square feet) and larger shall undergo the site plan review outlined in Section 5400 of the Orange Zoning Bylaw prior to construction, installation or modification of the facility as provided in this section. The total area of large-

scale ground-mounted solar photovoltaic structures as measured shall include the areas where the solar panels are installed, all appurtenant and accessory buildings, access roads, landscaping and visual screening elements and cleared area.

b) All plans and maps shall be prepared, stamped and signed by a Professional Engineer or Professional Land Surveyor licensed to practice in the Commonwealth of Massachusetts.

c) Required Contents of Site Plan

Pursuant to the required site plan content described in Section 5440 and this section of the Orange Zoning Bylaw, the Site Plan shall include the following:

1. Property lines and physical features, including roads for the project site, wetlands, wildlife corridors, National Heritage Endangered Species Program (NHESP), and other relevant features;
2. Location and approximate height of tree cover on the subject parcel and any trees on public property that are age 75 years and older and/or with a diameter of 36 inches or greater, and any trees that are within the jurisdiction of the Tree Warden;
3. Proposed changes to the landscape of the site, including roads, grading, vegetation clearing and planting, roads, parking areas, exterior lighting, screening vegetation or structures;
4. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth showing the proposed layout of the system and any potential shading from structures and vegetation, including those on abutting property(ies);
5. Electrical diagrams detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
6. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, battery storage, and inverter;
7. Name, address, and contact information for the proposed system installer;
8. The name, contact information and signature of any agents representing the project proponent as well as all co-proponents and property owners, if any;
9. Zoning district designation for the parcel(s) of land comprising the project site;
10. Proof of liability insurance consistent with industry standards for the proposed facility, or as specified in the Rules and Regulations promulgated by the Orange Planning Board;
11. Description of Abandonment and Decommissioning Trust Fund Account that satisfies Section 4793 below;
12. Pre- and post-construction color photorealistic visualizations of the existing site and proposed large-scale ground-mounted solar photovoltaic installation from at least four perspectives (with a total of at least 180-

- degree separation) specified by the permitting authority, including from the nearest residential structure and of the area(s) that are most publicly visible, with technical explanation of how visualization was produced;
13. Slopes shall not exceed 14% as measured from the bottom of the solar field to the top of the solar field;
 14. Visual and Habitat Mitigation Plan; and
 15. Battery storage on site including Operation & Maintenance Plan and proposed decommissioning procedures.

4745 Additional Required Documents

a) Site Control

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

b) Stormwater Management Plan

1. The Stormwater Management Plan submitted with the permit application shall contain sufficient information for the Stormwater Authority to evaluate the environmental impact and effectiveness of the measures proposed for reducing adverse impacts from stormwater runoff. This plan must be submitted with the stamp and signature of a Registered Professional Engineer (PE) who is licensed in the Commonwealth of Massachusetts.
2. The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations. It shall include:
 - i. The site's existing & proposed topography with contours at 2-foot intervals;
 - ii. All areas of the site designated as open space;
 - iii. A description and delineation of existing stormwater conveyances, impoundments, environmental resources on or adjacent to the site into which stormwater flows;
 - iv. A delineation of 100-year flood plains, if applicable;
 - v. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
 - vi. The existing and proposed vegetation and ground surfaces with runoff coefficients for each;
 - vii. A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows, at a scale that enables verification of supporting calculations;
 - viii. A recharge area analysis that calculates pre-and post-project annual groundwater recharge rates on the parcel;

- ix. A description and drawings of all components of the proposed stormwater management system;
- x. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Massachusetts Stormwater Handbook;
- xi. Soils information from test pits performed at the location of proposed Stormwater Management facilities, including soil descriptions, depth to seasonal high groundwater and depth to bedrock. Soils information will be based on site test pits logged by a Massachusetts Certified Soil Evaluator;
- xii. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater impact area; and
- xiii. A Stormwater Pollution Prevention Plan (SWPPP) (see Section 4745(d) below).

c) Operation & Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation, including battery storage and estimated annual costs. An Operation and Maintenance (O & M) Plan is required at the time of application for a Special Permit. The Operation and Maintenance Plan shall include:

1. a map showing the location of the stormwater management devices including all structural and nonstructural components;
2. maintenance agreements that specify names and addresses of person(s) responsible for operation and maintenance and its financing;
3. an Inspection and Maintenance schedule, including an O & M estimated budget, maintenance tasks to be performed; and
4. a list of easements with the purpose and location of each and the signature(s) of the owner(s).

d) Stormwater Pollution Prevention Plan (SWPPP)

1. A Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Planning Board, Conservation Commission, and Building Inspector as part of the Stormwater Management Plan accompanying a Special Permit, Site Plan Review application or filing of a Notice of Intent (NOI), if available. If not provided as part of an initial application, the SWPPP shall be submitted prior to the issuance of a special permit for the proposed project.
2. A Stormwater Pollution Prevention Plan (SWPPP) shall include the following, consistent with the requirements of the Massachusetts

Department of Environmental Protection (MassDEP) and the federal Environmental Protection Agency (EPA):

- i. Narrative;
 - ii. Construction Period Operation and Maintenance Plan;
 - iii. Names of persons or entity responsible for plan compliance;
 - iv. Construction period pollution prevention measures;
 - v. Erosion and Sedimentation Control Plan drawings;
 - vi. Detailed drawings and specifications for erosion control BMPs, including sizing calculations;
 - vii. Vegetation planning;
 - viii. Site Development Plan;
 - ix. Construction Sequencing Plan;
 - x. Sequencing of erosion and sedimentation controls;
 - xi. Operation and maintenance of erosion and sedimentation controls;
 - xii. Inspection Schedule;
 - xiii. Maintenance Schedule;
 - xiv. Inspection and Maintenance Log Form.
3. Periodic inspections of the construction of stormwater management devices shall be conducted by the Town, utilizing a professional engineer or a landscape architect approved by the Planning Board and paid for by the applicant, pursuant to MGL Ch. 44, Sec. 53G, if deemed necessary by the Board. Written reports shall include: the inspection date and location; evaluation of compliance with the Special Permit; any variations from approved construction specifications or violations of the Stormwater Management Plan.
4. At a minimum, inspections shall include: Initial site inspection, prior to approval of any plan; inspection of site erosion controls; inspection of stormwater management devices prior to backfilling of any underground drainage or stormwater conveyance structures; evaluation of the system once every seven (7) days and within 24 hours of a 0.25" rain or the occurrence of runoff from snowfall sufficient to cause a discharge; and a final inspection to verify as-built features.

e) Utility Notification

No ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Orange Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement. Interconnection agreement must be granted by the utility company.

4746 Waivers

- a) The Orange Planning Board may waive strict compliance with any requirement of the Design Standards, Safety and Environmental Standards section of this bylaw, or any rules and regulations promulgated hereunder, where:
1. Such action is allowed by federal, state and local statutes and regulations. It is in the public interest; and
 2. It is not inconsistent with the purpose and intent of this bylaw; however
 3. The Orange Planning Board shall **not** waive compliance with Section 4793, Abandonment and Decommissioning Trust Fund Account.
- b) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaws does not further the purposes or objectives of this bylaw.
- c) All waiver requests shall be discussed and voted on by the Orange Planning Board at an open meeting, duly noticed.
- d) If the Orange Planning Board deems additional time or information is required in the review of a waiver request, the Orange Planning Board may continue the request for a waiver.

4750 Dimension and Density Requirements

4751 Setbacks and Height Requirements

The setbacks for large-scale ground-mounted solar photovoltaic installations, including appurtenant structures and parking areas, shall be at least 50 feet from any property boundary. The setback areas shall not be included in the calculation of the size of the large-scale ground-mounted solar photovoltaic installation. The height of a large-scale ground-mounted solar photovoltaic installation or any appurtenant structure shall be no more than 35 feet. The panels shall be a minimum of 10 feet from the fence, or otherwise as directed by Orange Emergency Preparedness Officials, including the Emergency Management Director, Fire Chief, and Police Chief.

4752 Appurtenant Structures

All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall comply with the requirements of Section 2330, Dimensional Schedule, of the Orange Zoning Bylaw. All such appurtenant structures include but are not limited to equipment shelters, storage facilities, transformers, large battery units, and substations. Fences and utility poles are not considered appurtenant structures for purpose of determining setbacks.

4753 Lot Coverage

The Lot Coverage requirements included in Section 2330 do **not** apply to large-scale ground-mounted solar photovoltaic installations.

4760 Design Standards

4761 Lighting

No lighting will be permitted except for safety and operational purposes. All lighting shall face downward and be shielded. All lighting must comply with the Orange Zoning Bylaw, Section 3332.

4762 Signage

- a) Signs shall comply with Section 3200, Signs. In addition, the following signs shall be required:
 - 1. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warnings of any danger; and,
 - 2. Educational signs providing information about solar photovoltaic panels and the benefits of renewable energy.
- b) Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

4763 Noise

Noise levels shall comply with Orange Zoning Bylaw Section 3330, Disturbances.

4764 Hazardous Materials

Hazardous materials that are stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste (as defined by Massachusetts Department of Environmental Protection regulations, 310 CMR 30.000) and shall meet all applicable requirements, including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outside environment. If hazardous materials are utilized within the solar electric equipment, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

4765 Utility Connections

Reasonable efforts, as determined during the site plan review, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical components for utility interconnections may be above ground if required by the utility provider.

4766 Design Siting Criteria for Agricultural or Existing Open Space Locations

Applicant shall show compliance with or variance from the Solar Massachusetts Renewable Target (SMART) Program (225 CMR 20.00) or subsequent guidelines. In consideration of approving large-scale ground-mounted solar photovoltaic installations on land that is in agricultural use, prime agricultural farmland, forest or other pervious open space locations, the Orange Planning Board has developed the following design criteria for siting such installations:

- a) no removal of all field soils;
- b) existing leveled field areas left as is without disturbance;
- c) where soils need to be leveled and smoothed, such as filling potholes or leveling, this shall be done with minimal overall impact with all displaced soils returned to the areas affected;
- d) ballasts, screw-type, or post driven pilings and other acceptable minimal soil impact methods that do not require footings or other permanent penetration of soils for mounting are required, unless the need for such can be demonstrated;
- e) any soil penetrations that may be required for providing system foundations necessary for additional structural loading or for providing system trenching necessary for electrical routing shall be done with minimal soils disturbance, with any displaced soils to be temporary and recovered and returned after penetration and trenching work is completed;
- f) no concrete or asphalt in the mounting area other than ballasts or other code required surfaces, such as transformer or electric gear pads;
- g) address existing soil and water resource concerns that may be impacted to ensure the installation does not disturb an existing soil and water conservation plan or to avoid creating a negative impact to soil and water conservation best management practices, such as stimulating erosion or water run-off conditions;
- h) limited use of geotextile fabrics; and
- i) maintain vegetative cover to prevent soil erosion.

4767 Visual Impact and Habitat Mitigation

The purpose of the following protocol is to lessen the visual impact while creating viable wildlife habitat:

- a) The developer shall develop a planting plan. It shall reasonably mitigate the visual impact and habitat loss of the project. The plan will be proportional to the impact on the existing habitat and be in consideration of adjacent roads and residential properties.
- b) The species mix and depth of screening shall be determined by the Planning Board during the Site Plan Review based on site specific conditions with existing natural vegetation being used to the greatest extent possible. Outside the fence, shrubland screening (in combination with existing natural vegetation) shall be no less than 30' wide. Areas outside the 30' zone shall be maintained in active agriculture or young forest unless prevented by mitigating circumstances. The Town Planning Board will have final approval on these circumstances. Inside the fence, pollinator species shall be selected from the native plant lists provided by the Planning Board, or their equivalent.
- c) Vegetation shall consist of varieties native to eastern North America. Vegetative screening should reach a mature form to effectively screen the installation within five years of installation.
- d) All plantings will be maintained to ensure survival. The site will be monitored, and an action plan developed, to control plants on the Massachusetts prohibited plant list.

- e) In developed areas, the design of the installation shall consider contextual landscaping and landscape amenities that complement the physical features of the site and abutting residential properties.
- f) The planting plan shall be proportional to the impact of the solar installation.
- g) Seeding within the installation should consist of a mix of wildlife-friendly perennial herbaceous forbs and grasses that are native to the eastern US, to support pollinators and wildlife.

4770 Safety and Environmental Standards

4771 Emergency Services

The owner or operator of the large-scale ground-mounted solar photovoltaic installation shall provide a copy of the project summary, electrical schematic, and site plan to the Orange Emergency Preparedness Officials. Upon request, the owner or operator shall cooperate with local emergency preparedness officials in developing an emergency response plan. All means of disconnecting the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify and provide contact information for a person who is responsible for responding to all public and emergency inquiries related to the installation. This information shall be updated as needed and shall be provided to the Town's emergency preparedness officials, as defined above.

4772 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. The installation design shall minimize fragmentation of open space areas and shall avoid permanently protected open space when feasible. The installation shall also be located in a manner that does not have significant negative impacts on rare species in the vicinity. The Planning Board shall consider construction phasing to mitigate erosion.

4773 Control of Vegetation

Herbicides or pesticides may not be used to control vegetation at the solar electric installation. Mowing and grazing underneath the solar array are possible alternatives. In cases of controlling invasive species, herbicides or pesticides may be used that are in compliance with state and federal laws and regulations.

4780 Monitoring and Maintenance

4781 Solar Photovoltaic Installation Conditions

The applicant shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to Orange Emergency Preparedness Officials. The applicant shall be responsible for the cost

of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

4782 Annual Reporting

The owner or operator of the installation shall submit a report on or before January 31st each year to the Orange Town Clerk for forwarding to the Zoning Enforcement Officer (Orange Town Building Inspector) and Town of Orange Planning Board to document that the project is in operation and in compliance with the Operation and Maintenance Plan approved by the Orange Planning Board and this By-Law

4790 Decommissioning and Abandonment

4791 Terms and Conditions

The proposed Terms and Conditions of the Abandonment and Decommissioning Fund shall be submitted with the initial permit application. The terms and conditions shall be agreed upon prior to approval of the Special Permit and the document shall be established, executed and signed by the Developer (Tenant/Operator), the Landowner (Landlord) and the Town of Orange. Abandonment and Decommissioning Funds will be held by the Treasurer of the Town of Orange in a project specific interest-bearing Abandonment and Decommissioning Fund Account.

4792 Decommissioning and Abandonment Obligations

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed and the site restored. The Landowner (Landlord) or Developer (Tenant/Operator) shall physically remove the installation no more than 150 days (Decommissioning Period) after the date of discontinued construction or operations. In the case of an operating system, the Landowner (Landlord) or Developer (Tenant/Operator) shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. If a project is abandoned prior to completion, upon notification to the Planning Board by the Building Inspector or Building Commissioner, the Planning Board shall notify the Landowner (Landlord) or Developer (Tenant/Operator) by certified mail of the proposed date at which time the 150-day period shall be initiated.

Decommissioning shall be as specified in the terms and conditions established by the Planning Board, but at a minimum shall consist of:

- a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and electrical lines from the site;
- b) Proper disposal of all batteries and battery storage located within the facility;
- c) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- d) Stabilization and re-vegetation of the site as necessary to minimize erosion;

- e) The Planning Board may allow the Landowner (Landlord) or Developer (Tenant/Operator) to leave landscaping or designated below-grade foundations to minimize erosion and disruption to vegetation; and
- f) The Planning Board shall allow the Landowner (Landlord) to retain poles, fencing, electric poles and materials for future use by the Landowner (Landlord).

4793 Abandonment and Decommissioning Fund Account

The project proponent of large-scale ground-mounted solar photovoltaic projects shall provide funds to be deposited in the Abandonment and Decommissioning Fund Account to cover the cost of removal in the event the Town or Landowner (Landlord) becomes responsible for removing the installation and remediating the landscape. The amount and form of the surety shall be determined to be reasonable by the permitting authority, but in no event, should exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. All calculations and cost shall include calculations for Massachusetts Prevailing Wage. Such surety is not required for municipally-owned or state-owned facilities. The project proponent shall submit for review by the Town a fully inclusive estimate of the costs associated with removal prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. No allowance shall be made for revenue from recycling of panels or other materials. The estimates shall include funds to regrade and reseed those portions of the site that have been disturbed. Access roads may be left in place and shall be finish graded with proper erosion control installed or retained.

Deposits to the Abandonment and Decommissioning Fund Account shall be provided as follows: One half of the funds shall be deposited before issuance of the building permit and one half of the funds shall be deposited at the end of the tenth (10th) year after commencement of operation. During the tenth year of operation the Developer (Tenant/Operator) shall submit updated decommissioning estimates for review by the Planning Board. The required Abandonment and Decommissioning Fund deposit may be adjusted to reflect the then current estimates. Any changes to the facility including but not limited to battery storage shall trigger a recalculation of the Fund.

Each solar facility shall have a Abandonment and Decommissioning Fund Document listing all parties and the Terms and Conditions for accessing funds from the account at the time of abandonment or decommissioning. The funds shall remain in the Abandonment and Decommissioning Fund Account during any Decommissioning Period and shall be used by the Developer (Tenant/Operator) to fund the Decommissioning Obligations hereunder, with any balance remaining returned to the Developer (Tenant/Operator) after final inspection and sign-off by the Town of Orange.

If the Developer (Tenant/Operator) fails to perform its Decommissioning Obligations by the end of the Decommissioning Period, or if the lease is

terminated following a Developer (Tenant/Operator) default, or if the project has been abandoned as defined herein, the Landowner (Landlord), with approval of the Town, may elect to undertake to decommission the solar facility itself without Developer's (Tenant/Operator's) approval for release of the funds from the Abandonment and Decommissioning Fund Account, with any balance after completion of the decommissioning returned to the Developer (Tenant/Operator). If both the Developer (Tenant/Operator) and the Landowner (Landlord) have failed to perform the Decommissioning Obligations by the end of the Decommissioning Period, for whatever reason, the Town of Orange shall have the right to access the Abandonment and Decommissioning Fund Account and use the funds to enter the Solar Facility property and complete the decommissioning process.

4794 Release of Funds From the Abandonment and Decommissioning Fund Account

Upon request from the Developer (Tenant/Operator), Landowner (Landlord), or the Planning Board for release of funds from the Fund, the Building Inspector or Commissioner shall inspect the site and report to the Planning Board on the status of the decommissioning work. Upon certification by the Building Inspector or Commissioner that the decommissioning work has been successfully completed, the Planning Board will vote to release funds to cover the work completed to date. The funds will be released pursuant to the terms and conditions of the Abandonment and Decommissioning Fund Document. The Planning Board will notify the Treasurer of the Board's decision to release funds from the Abandonment and Decommissioning Fund Account, and the Treasurer will issue checks as approved after posting and approval of a warrant.

ATTEST:

Nancy M. Blackmer, MMC/CMMC
Town Clerk