

#### **5.17.11. Abandonment or decommissioning.**

- A. Removal requirements. Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
- (1) Physical removal of all large-scale ground solar photovoltaic installations, arrays, structures, equipment, security barriers and above-ground transmission lines from the site, if any.
  - (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - (3) Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- B. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. The AMLP shall have the right of first refusal as to whether it will choose to assume responsibly for the abandoned solar operation. If the AMLP chooses to forgo such responsibility and assume the operation, and the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
- C. Financial surety. The Planning Board shall require the applicant for a large-scale ground-mounted solar photovoltaic installation to provide a form of surety, either through the Planning Board or AMLP before construction to cover the estimated cost of removal as set forth herein. If setting up a surety with the Planning Board, the form of surety must be either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit 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 or otherwise due to a cost of living adjustment.