

## SECTION 24

### WIND ENERGY FACILITIES

#### 24.1 Purpose and Intent

The purpose of this section is to promote the safe, effective and efficient use of wind energy facilities in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a special permit process for the construction and operation of Wind Energy Facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of Wind Energy Facilities that address public safety, minimize impacts on scenic, natural and historic resources of the city and provide adequate financial assurance for decommissioning.

The intent of this section is to recognize that wind energy is an abundant, renewable and non-polluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy facilities also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio.

#### 24.2 Wind Monitoring or Meteorological ("test" or "met") Tower

No wind monitoring or meteorological tower shall be erected, constructed, installed, or modified without first obtaining a special permit from the City Council. No Special Permit shall be granted unless the City Council determines that all such wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts and that the proposed wind monitoring or meteorological tower complies with the Special Permit criteria under Section 11 of the Woburn Zoning Ordinance and:

- (a) the specific site is an appropriate location for such use;
- (b) the use will not adversely affect the neighborhood;
- (c) no nuisance will be created by the use;

In order to make such determinations, the City Council may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a review will be at the expense of the applicant pursuant to G.L. c. 44, § 53G as may from time to time be amended.

The wind monitoring or meteorological tower shall comply with the following requirements:

a. Setbacks

Wind monitoring or meteorological towers shall comply with the building setback requirements of the zoning district in which they are located. Additionally, wind monitoring or meteorological towers shall be set back a distance of at least 1.5 times the overall height of the tower from the nearest property line. Any supporting structure including guy wires shall not be located closer to any property line or street line than the distance equal to the minimum building setback required for the zoning district in which the tower is located.

b. Height

Wind monitoring or meteorological towers shall comply with the height requirements of the zoning district which the tower is located, unless the City Council grants a Special Permit after determining that a height in excess of that required in the zoning district is required to accomplish the proposed purpose of the tower. In order to make such determinations, the City Council may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a review will be at the expense of the applicant pursuant to G.L. c. 44, § 53G as may from time to time be amended.

c. Time limit

A special permit for a wind monitoring or meteorological tower shall be limited to no more than eighteen months after construction has commenced.

### 24.3 Roof Top Wind Energy Facility

No Roof Top Wind Energy Facility shall be erected, constructed, installed or modified without first obtaining a Special Permit from the City Council. No Special Permit shall be granted unless the City Council determines that all such Roof Top Wind Energy Facilities shall be constructed and operated in

a manner that minimizes any adverse visual, safety, and environmental impacts and that the proposed Roof Top Wind Energy Facility complies with the Special Permit criteria under Section 11 of the Woburn Zoning Ordinance and:

- (a) that the facility is in an appropriate location for such use;
- (b) that the use will not adversely affect the neighborhood;
- (c) that no nuisance will be created by the use;

In order to make such determinations, the City Council may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a review will be at the expense of the applicant pursuant to G.L. c. 44, § 53G as may from time to time be amended.

(a) General Requirements. All roof top wind energy facilities shall conform to the following:

- (1) The power generated is for on-site consumption only; and
- (2) The combined total rated nameplate capacity shall be 10 kW or less.

(b) Connection to the power grid. Approval of roof top wind energy facilities neither permits nor denies access to the power grid. However, no roof top wind energy facility shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. No roof top wind energy facility that is interconnected with the electric system may be put in operation prior to execution of an Interconnection Agreement with the local electric utility. Off-grid systems shall be exempt from this requirement.

(c) Height. The height for the Wind Energy Facility, Roof Top turbine shall not exceed fifteen (15) feet in the following zoning districts: B-N, B-H, B-D, B-I, I-P, IP-2, I-G, O-P and OP-93. The height for the Wind Energy Facility, Roof Top turbine is measured from the point of attachment to the roof to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

(d) Special permit application. No Roof Top Wind Energy Facility, shall be constructed unless a Special permit has been issued to the owner of the property. The Special permit application shall contain the following additional information:

- (1) The Special permit application shall contain the following: narrative describing the proposed wind energy facility, the proposed total rated

capacity of the wind energy facility, the proposed number, types and height of Roof Top Wind Energy Facilities to be constructed.

- (2) Other relevant information may be reasonably requested by the City Council to ensure compliance with the requirements of this Ordinance.

(e) Installation and design.

- (1) All structural, electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes at the time of application.
- (2) A structural certification of the roof must be completed and submitted with the Special permit application to ensure that the roof is suitable to hold the Roof Top Wind Energy Facility.
- (3) The Roof Top Wind Energy Facility shall comply with the provisions of the Massachusetts Department of Environmental Protection's ("DEP") Division of Air Quality Noise Regulations (310 CMR 7.10) in effect on August 1, 2009 and any limitations on noise imposed by The City Council.
- (4) All Roof Top Wind Energy Facilities shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the roof, structure, rotor blades and turbine components.
- (5) The visual appearance of Roof Top Wind Energy Facilities shall at a minimum:
  - a. Be a non-obtrusive color such as white, off-white or gray.
  - b. Shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - c. Shall not display any advertising except for manufactures identification and such identification shall not exceed two square feet in size and furthermore no flags, streamers or decorative item shall be attached to the Roof Top Wind Energy Facility.

#### 24.4 Small Wind Energy Facility

No Small Wind Energy Facility shall be erected, constructed, installed or

modified without first obtaining a Special Permit from the City Council. This subsection applies to Small Wind Energy Facilities no greater than 60 kilowatts of rated nameplate capacity proposed to be constructed after the effective date of this section. This subsection is not intended to cover roof-mounted, building-integrated, building-mounted or architectural wind systems; this subsection only covers stand-alone tower mounted systems. A Small Wind Energy Facility shall only be maintained in compliance with all requirements set forth herein and as described in the Special Permit. No Special Permit shall be granted unless the City Council determines that all such wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. In order to make such determinations, the City Council may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a review will be at the expense of the applicant pursuant to G.L. c. 44, § 53G as may from time to time be amended.

No Special Permit shall be granted unless the City Council finds, in writing, that the proposed Small Wind Energy Facility complies with the Special Permit criteria under Section 11 of the Woburn Zoning Ordinance and:

- (a) the specific site is an appropriate location for such use;
- (b) the use will not adversely affect the neighborhood;
- (c) no nuisance will be created by the use;
- (d) adequate and appropriate facilities will be provided for the proper operation of the use; and
- (e) the application information submitted is adequate, complete and containing sufficient information for the City Council to consider approving the special permit request. If the City Council finds that the information is not adequate or complete, it may continue the hearing on the application to allow the applicant to submit additional information which may be needed for a decision.

The City Council in issuing a Special Permit for a small wind energy facility may impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate reasonably foreseeable adverse impacts of the small wind energy facility. At the discretion of the City Council and if required by the Special Permit, the owner of an small wind energy facility, or other responsible appropriate person, may be required to provide to the building inspector annual certification demonstrating continuing compliance with applicable standards regarding noise, shadow flicker, structural integrity, air traffic safety, radio emissions safety, or other issues of importance to the purposes of this regulation. Including that the owner of a small wind energy facility, or other responsible appropriate person, may be required to provide

to the building inspector annual certification demonstrating continuing compliance with applicable standards regarding noise, shadow flicker, structural integrity, air traffic safety, radio emissions safety, or other issues of importance to the purposes of this regulation. The building inspector may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a review will be at the expense of the applicant pursuant to G.L. c. 44, § 53G as may from time to time be amended.

Small wind energy facility owners and operators shall maintain the small wind energy facility in good condition and provide for the ongoing maintenance in accordance with the conditions of the Special Permit, manufacturer's specifications and governmental regulations for all structural, electrical and mechanical operations to ensure safe operation of the small wind energy facility. Any small wind energy facility found to be unsafe by the Building Inspector shall be repaired or removed pursuant to his direction.

Small Wind Energy Facilities shall comply with the following requirements:

a. Yard Setback Requirements

All small wind energy facilities or wind turbines shall be located in the rear yard of the subject property and shall comply with the building setback requirements of the zoning district in which they are located. Additionally, small wind turbines shall be set back a distance of at least 1.5 times the overall height of the device from the nearest property line. Any supporting structure including guy wires shall not be located closer to any property line or street line than the distance equal to the minimum building setback required for the zoning district in which the facility is located. In addition, guy wires shall not be secured to trees but shall be secured to stationary anchors and located away from trees or other structures that may interfere with the safe operation of the small wind energy facility.

b. Height

No small scale wind turbine shall be higher than 65 feet.

c. Number

The number of small scale wind turbines on any lot shall not exceed two (2).

d. Visual Impacts

The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy facility's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. Where wind characteristics permit, wind turbines shall be set back from the tops of visually prominent ridgelines to minimize the visual impacts. In addition, all electrical conduits shall be underground, except when the City Council finds that the financial costs are prohibitive.

e. Clearing

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy facility and as otherwise allowed by Special Permit of the City Council.

f. Lighting & Federal Aviation Requirements

There shall be no lighting affixed to a small wind turbine unless such lighting is required by the Federal Aviation Administration (FAA). Small wind turbines shall be built to comply with all applicable Federal Aviation Administration regulations. If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind turbine.

g. Appearance, color, finish

The small scale wind turbine shall be painted a non-reflective color that blends with its surroundings. However, visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground, as approved by the City Council.

h. Signage and advertizing

Signs on small scale wind turbines shall be limited to:

- (1) A sign necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger and such sign shall not exceed two square feet in size.
- (2) Educational signs providing information about the facility and the

benefits of renewable energy and such signs shall not exceed ten square feet in total area.

- (3) Reasonable identification of the manufacturer or operator of the wind energy facility, not to include any advertising display and such sign shall not exceed two square feet in size.

i. Noise

The small scale wind turbine and associated equipment shall comply with the provisions of the Massachusetts Department of Environmental Protection's ("DEP") Division of Air Quality Noise Regulations (310 CMR 7.10) in effect on August 1, 2009, unless the applicant provides written confirmation from DEP that those provisions are not applicable to the proposed facility.

j. Shadow Flicker

Small wind energy turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

k. Connection to the power grid

Approval of a small wind energy facility neither permits nor denies access to the power grid. However, no small wind energy facility shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. No small wind energy facility that is interconnected with the electric system may be put in operation prior to execution of an Interconnection Agreement with the local electric utility. Off-grid systems shall be exempt from this requirement.

l. Safety Features

The wind turbine shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. The minimum distance between the ground and any part of a rotor shall be thirty (30) feet. All wind turbines shall have an automatic braking, governing or feathering system to



prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.

m. Unauthorized access

All related components of the small wind energy facility shall be designed and protected to prevent unauthorized access. Fencing serving this purpose but compatible with the characteristics of the neighborhood may be required by the City Council to control access to a small wind energy facility. In addition, wind turbines and other parts of the facility including all ground-mounted electrical and control equipment shall also be labeled and secured to prevent unauthorized access.

n. Abandonment

1. At such time that a small wind energy facility is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. "Physically remove" shall include, but not be limited to:
  - a. Removal of the wind generator and tower and related above-grade structures.
  - b. Restoration of the location of the small wind energy facility to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it

is determined that the small wind energy facility has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

4. If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy facility has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 30 days of receipt of the Notice of Abandonment. This period may be extended at the request of the owner and at the discretion of the building inspector. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the Building Inspector shall have the authority to enter the owner's property and remove the system at the owner's expense.

#### 24.5 Large Wind Energy Facility

No large wind energy facility shall be erected, constructed, installed or modified without a special permit from the City Council as provided herein.

##### a. Special permit

Large scale wind energy facilities shall be subject to the special permit requirements set forth below and must be operated in compliance with said requirements and any further requirements which the City Council may impose upon the special permit, and in a manner that minimizes any adverse visual, safety, and environmental impacts.

The City Council shall act as the special permit granting authority for all applications under this Section. No special permit shall be granted unless the City Council finds in writing that:

- (1) the specific site is an appropriate location for such use;
- (2) the use is not expected to adversely affect the neighborhood;
- (3) there is not expected to be any serious hazard to pedestrians or vehicles from the use;
- (4) no nuisance is expected to be created by the use; and
- (5) adequate and appropriate facilities will be provided for the proper operation of the use.

In granting a special permit under this Section, the City Council may impose reasonable conditions, safeguards and limitations and may

require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

b. General Siting Standards

(1) Height.

Large Wind Energy facilities shall not be higher than required to make the project economically feasible. The City Council must determine that the height of the facility will not derogate from the intent of this chapter or be detrimental or injurious to the public.

(2) Setbacks

Wind Turbines shall be set back a distance equal to at least 1.5 times the overall height of the wind turbine from the nearest property line and from the nearest private or public way street line. Any supporting structure including guy wires shall not be located closer to any property line or street line than the distance equal to the minimum building setback required for the zoning district in which the facility is located.

c. Design Standards

(1) Color and Finish

The color of the large scale wind energy conversion device shall be subject to final approval by the City Council, although a neutral, nonreflective exterior color designed to blend with the surrounding environment is encouraged.

(2) Lighting

Wind Turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of a large wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties.

(3) Signage

Signs at a large wind energy facility shall be limited to:

(a) A sign necessary to identify the owner, provide a 24-hour

emergency contact phone number, and warn of any danger and such sign shall not exceed two square feet in size.

- (b) Educational signs providing information about the facility and the benefits of renewable energy and such signs shall not exceed ten square feet in total area.

(4) Advertising

Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility and such sign shall not exceed two square feet in size.

(5) Connections

Reasonable efforts shall be made to locate wires from the wind turbine underground, depending on appropriate soil conditions, shape, and topography of the site or any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(6) Appurtenant Structures

The City Council may impose reasonable requirements concerning the bulk, height, setbacks, and building coverage of structures appurtenant to a large wind energy facility, as well as parking requirements for such structures. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall only be used for housing of equipment for the particular large wind energy facility on the site. Whenever possible, structures should be shielded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

(7) Support Towers

Monopole towers are the preferred type of support for the wind turbines.

d. Safety, Aesthetic and Environmental Standards

All wind turbines shall have an automatic braking, governing or

feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.

(1) Unauthorized Access

Wind turbines and structures appurtenant to large wind energy facilities shall be designed to prevent unauthorized access. Fencing serving this purpose but compatible with the characteristics of the neighborhood may be required by the City Council to control access to a large wind energy facility. In addition, wind turbines and other parts of the facility including all ground-mounted electrical and control equipment shall also be labeled and secured to prevent unauthorized access. The wind turbine shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. The minimum distance between the ground and any part of a rotor shall be thirty (30) feet.

(2) Shadow/Flicker

Wind turbines shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that any shadow or flicker effect resulting from the turbine will not have any significant adverse impact on neighboring or adjacent uses either because of the proposed siting of the facility or because of proposed mitigation measures.

(3) Noise

Wind Turbines and associated equipment shall conform to the provisions of the Department of Environmental Protection's ("DEP") Division of Air Quality Noise Regulations (310 CMR 7.10) in effect on August 1, 2009, unless the applicant provides written confirmation from DEP that those provisions are not applicable to the proposed facility.

An analysis prepared by a qualified engineer shall be presented to demonstrate that the proposed facility will be in compliance with these noise standards.

(4) Connection to the power grid

Approval of a large wind energy facility neither permits nor denies access to the power grid.

(5) Utility Notification

No wind energy facility shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(6) Land Clearing, Soil Erosion, and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the large wind energy facility and is otherwise prescribed by applicable laws, regulations, and ordinances.

(7) Modifications

All material modifications to a large wind energy facility made after issuance of the special permit shall be subject to further special permit approval by the City Council in accordance with this Section.

e. Abandonment or Decommissioning

(1) Removal Requirements

Any large scale wind energy conversion facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. Within the same 150-day period, the wind facility site shall be restored to the state it was in before the facility was constructed. More specifically, decommissioning shall consist of:

- (a) Physical removal of all wind energy conversion devices, structures, equipment, security barriers and transmission lines from the site.

- (b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The City Council may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(2) Abandonment

Absent notice of a proposed date of decommissioning, the facility shall be deemed to be abandoned if the facility is not maintained or operated for a period of one year except where prior written consent of the City Council was obtained, or upon expiration of the special permit without renewal or extension.

(3) Financial Surety

As a condition of the special permit, the City Council shall require the applicant to provide surety in an amount determined by the City Council to be necessary to ensure proper removal of the facility upon abandonment. Such surety may be provided in the form of a bond acceptable to the City Council or by placing a sum of money into an account to be held by the City Treasurer. Such surety will not be required for municipally or state owned facilities.

The applicant shall submit to the City Council a fully inclusive estimate of the costs associated with removal, prepared by a qualified, professional engineer registered to practice in the Commonwealth of Massachusetts.

The applicant shall provide written authorization and, as necessary, shall provide the written authorization of the owner of the subject property, for the City or its agents to enter upon the subject property to remove the wind facility in the event that the applicant fails to do so within 150 days after abandonment or decommissioning as required under this Section.

f. Term of Special Permit

Unless abandoned earlier, a special permit issued for a large wind energy facility shall automatically expire after 25 years, unless extended or renewed by the City Council upon a finding that there has been satisfactory operation of the facility in accordance with the requirements

of the special permit and this Section. An application for renewal or extension must be submitted at least 180 days prior to expiration of the special permit. Submission of such an application shall allow for continued operation of the facility until the City Council acts. Upon final expiration of the special permit (including extensions and renewals), the wind facility shall be deemed abandoned and shall be removed as required by this Section.

g. Application Process and Requirements

(1) Application Procedures

(a) General

The special permit application for a large scale wind energy conversion facility shall be filed in accordance with Section 11 of the Woburn Zoning Ordinance and the rules and regulations of the City Council concerning special permits.

(b) Site Control

At the time of its application for a special permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

(c) Proof of Liability Insurance

The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

(d) Professional Fees

The City Council may impose reasonable fees for the employment of outside consultants to be expended in accordance with the requirements and provisions of MGL C. 44, § 53G.



(e) Additional Requirements

The City Council may require that the applicant arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time, and location of such test shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test.

(2) Visualizations

The City Council shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall have the following characteristics:

- (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).
- (b) View representations shall include existing, or proposed, buildings or tree coverage.
- (c) View representations shall be accompanied by a description of the technical procedures followed in producing the visualization (distances, angles, lens, etc).

(3) Landscape Plan

A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and, except as required by the FAA, be directed downward with full cut-off fixtures to reduce light pollution.

(4) Operation & Maintenance Plan

The applicant shall submit a plan for maintenance of access roads

and storm water controls, as well as general procedures for operational maintenance of the wind facility.

(5) Waiver

The City Council may waive or modify the submission requirements contained herein where it finds such waiver or modification shall not adversely affect the public health, safety, or welfare, and will not derogate from the intent of this Section.

(6) Monitoring and Maintenance

- (a) After the wind energy conversion facility is operational, the applicant shall submit to the town at annual intervals from the date of issuance of the Special Permit, a report detailing operating data for the facility (including but not limited to days of operation, energy production, etc.).
- (b) The applicant shall maintain the wind energy conversion facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of any buffer areas and landscaping. The applicant shall be responsible for the cost of maintaining the wind facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.
- (c) The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

(7) Emergency Services

The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local emergency services departments, as designated by the City Council. The applicant shall cooperate with local emergency services in developing an emergency response plan for the large wind energy facility.

All means of disconnecting the large wind energy facility shall be clearly marked.

The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

(added 11/24/2009)

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