

Pompey Wind Energy Ordinance Committee

Meeting Minutes

August 24, 2009

I. Call to order

Town Councilor Craig Smithgall called to order the regular meeting of the **Town of Pompey Wind Energy Committee** on August 24, 2009 at about 7 p.m. at the Town Hall, Town of Pompey.

II. Roll call

The following persons were present: Craig Smithgall, Lloyd Sutton, Gerry Devine, Lisa Abbe, John Shaheen, Dan McClung and Renee Rotondo.

III. Topics of Discussion

The two WECS drafts that the Committee had been working off of at the last meeting had been consolidated into one document which reflected the work of the Committee to date. Both Committee and Attorney Comments followed each section of the draft.

The following issues/sections were reviewed and/or addressed by the Committee:

- A. In Section 161-2 B (Purpose), reference to the Schedule Limiting Use of Buildings and Lands was added.
- B. Language in Section 161-3 that states that improperly sited WECS may present risks values of adjoining properties was removed. This was not fact, but opinion and consensus was that it did not belong in this section.
- C. Definitions of horizontal WECS and vertical WECS were added to Section 161-4. John Shaheen will review these.
- D. "Off-grid" and "on-grid" definitions were revised to substitute the word "public" for "national" to avoid confusion.
- E. With the removal of the MET Tower definition, John wondered what would prevent someone from putting up this tower. If the tower was greater than 35 feet, it would need a variance.
- F. Committee agreed to keep both "Small WECS" and "WECS" definitions.
- G. Introductory paragraph for Section 161-5 is missing and needs to be included.
- H. Distances in Sections 161-5. (A.3.d and A.3.e) were set at 500 feet.\
- I. Section 161-5 (A.3.j.) – requiring landscape plans – was deleted. It did not seem necessary for small WECS and was burdensome for applicant.
- J. Section 161-5 (A.4.a.) – requiring a digital elevation project visibility map – was deleted for the same reasons cited in I. above.
- K. Section 161-5.C was revised to have town notify adjacent property

owners of WECS application, not property owner. This is what is done now. Distance for notice was set at 500 feet.

L. Committee agreed that Section 161-5 A.5 and C. provide Planning Board with adequate discretion and address Committee's concerns.

M. Questions arose about the Wind Tower Design language in Section 161-6.B.2. Why is it necessary to have a licensed engineer? It was decided to leave this language as is and let issue be addressed at public hearing.

N. The insurance requirement language was deleted from Section 161-6 B. in accordance with the Committee's previous decision that insurance would be the home-owner's responsibility and not something that needed to be legislated or required by the town.

O. Dan will provide revisions to Section 161-6 C.6. regarding number of WECS per lot.

P. The ASCE standard 7 was set in Section 161-6. D. 6. as the standard for wind resistance.

Q. The Committee deleted language in Section 161-8 that would have based "operability" of a WECS on utility records and/or income production. The Committee had previously decided that those should not be the standards for proof of operability because if someone wants to discontinue use of WECS, that is their right.

R. The noise testing language in Section 161-8.B. was revised as it seemed unduly burdensome to require WECS owners to pay for acoustic testing upon a noise complaint by a neighbor. Nothing would discourage a contentious neighbor from abusing this provision. Lloyd pointed out that this type of requirement would be hard to implement since it was unclear what frequency would be used for the testing. The section was also amended to permit short periods of increased noise levels when such were caused by weather, etc.

IV. Adjournment

Town Councilor Craig Smithgall adjourned the meeting with no future meeting scheduled at this point. Renee would make the above revisions to the draft and get it to the town attorney for final review. Dan would email the town attorney the language regarding number of WECS/lot.

Minutes submitted by: Renee M. Rotondo