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**TOWN OF ANTRIM, NEW HAMPSHIRE  
LARGE SCALE WIND ORDINANCE**

- 1.0 **Title.** This ordinance shall be known as the Town of Antrim, NH Large Scale Wind Ordinance.
- 2.0 **Purpose.** The purpose of this Ordinance is to provide for the development and use of wind power as an alternative energy source, benefiting both the economy and the environment, while protecting public health, safety and general welfare, preserving environmental, historic and scenic resources, controlling noise levels and preventing electromagnetic interference. This ordinance provides a permitting process to insure compliance with requirements and standards established therein.
- 3.0 **Authority.** This Ordinance is adopted pursuant to the enabling provisions of NH RSA 674:16 and NH RSA 674:1, V. In addition, pursuant to the provisions of NH RSA 674:21, the Antrim Planning Board is hereby granted the authority to issue Conditional Use Permits for the construction or operation of Large Scale Wind Energy Facilities, including Meteorological Towers, in the Town of Antrim, subject to these provisions.
- 3.1 **Conflicts with Other Ordinances and Regulations.** If there is a conflict between provisions in this Ordinance or between a provision in this Ordinance and a provision of any other ordinance or regulation, this Ordinance shall apply.
- 3.2 **Validity and Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such a decision shall not invalidate any other section or provision of the Ordinance.
- 4.0 **Effective Date.** This Ordinance shall become effective on the date of its passage.
- 5.0 **Applicability.** Wind Energy Facilities and Meteorological Towers as defined below are allowed to be constructed or operated in any district in the Town of Antrim after the effective date of this Ordinance, subject to all applicable federal, state, and local ordinances and regulations.
- 5.1 Meteorological (Met) towers are subject to the same process as Large Scale Wind Energy Facilities (LWEF) if the intent is to leave the towers in place permanently or for longer than three years. If the tower is intended to be temporary, the Planning Board may waive certain standards and requirements.

6.0 **Definitions.**

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- 6.1 Ambient Noise – Intermittent noise events present for at least 90% of the time.
- 6.2 Blade Glint – The intermittent reflection of the sun off the surface of the blades of a wind turbine.
- ~~6.3 dBA – “A-Weighting” means a frequency response adjustment of a sound level meter with an American National Standards Institute (ANSI) defined A-weighting filter. The A-weighting filter approximates the human ear’s response to various frequencies. Measurements made with this weighting are designated dBA.~~
- ~~6.4 dBC – “C-Weighting” means a frequency response adjustment of a sound level meter with an ANSI defined C-weighting filter. The C-weighting filter analyses the signal with approximately equal weight to all frequencies. Measurements made with this weighting are designate dBC.~~
- 6.5 Large Scale Wind Energy Facility (LWEF) – An electricity-generating facility, with a generating capacity of over 100 kilowatts, consisting of one or more wind turbines, including any substations, met towers, cables/wires, and other structures accessory to the facility.
- 6.6 Met Tower – A meteorological tower used for the collection of wind data.
- 6.7 Repowering – To retrofit a LWEF to the latest technology in order to improve efficiency and capacity. Generally this involves the installation of a new generator or turbine.
- 6.8 Setbacks – The distance a LWEF is set back from abutting property lines.
- 6.9 Shadow Flicker – The effect when the blades of an operating wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and the immediate environment.
- 6.10 Total Height – When referring to a wind turbine or a LWEF, the height measured from the finished

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grade at its location to the top of the blade extended to its highest point.

- 6.11 Tower Shadowing – The outline created on the surrounding area by the sun shining on a wind turbine.
- 6.12 Wind Turbine – A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, including the turbine, blade, tower, base, and pad transformer, if any.

## 7.0 Standards.

### 7.1 Design, Manufacture, and Construction Standards

- 7.1.1 The design and manufacture of all meteorological towers, all wind turbines, and all other components of a LWEF shall conform to applicable national, state, and local standards for the wind industry, such as those established by the American National Standards Institute (ANSI), Underwriters Laboratories, and similar certifying organizations.
- 7.1.2 Height. Consideration shall be given to the scale of the turbines in relation to the surrounding landscape, but in no case shall the height of a LWEF tower exceed 450 feet, as measured from the existing grade at the location to the highest tip of turbine blade.
  - 7.1.2.1 Met towers must be less than 200 feet in height, and must be designed so as not to require lighting. Guy wires are allowed, but must be designed so as to limit environmental hazards to wildlife, especially birds and bats.
- 7.1.3 All collector lines and interconnect lines shall be buried, except where doing so, in the Planning Board's opinion, causes greater environmental degradation than if the lines were not buried. Underground power and transmission lines shall be buried at a depth consistent with state public utility engineering standards to prevent transient ground currents and stray voltage.
- 7.1.4 A LWEF shall be equipped with a redundant braking system that includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall operate in fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- 7.1.5 LWEF towers shall be mounted on monopole towers with no guy wires.
- 7.1.6 The color of LWEF towers and Met towers shall be off-white or grey or some other unobtrusive color approved by the Planning Board.
- 7.1.7 LWEFs shall not be used to display signs or advertising except for signs at ground level identifying the turbine manufacturer, the LWEF Owner/Operator, emergency contact information, and appropriate warnings as required by national, state, and local laws.
- 7.1.8 **Blasting.** Owner/Operator of an LWEF shall not undertake any blasting without notifying the Town of Antrim by telephone, followed by an email message for the record, and submitting a blasting plan at least one week prior to the next Planning Board meeting before when blasting is scheduled to begin. A pre-blasting inspection and documentation may be required. All blasting shall be in accordance with the appropriate sections of "Standard Specifications for Road and Bridge Construction", NH Department of Transportation. The blasting plan shall be reviewed and approved by the Antrim Planning Board before any blasting takes place.
- 7.1.9 **Modification During Construction.** If at any time it appears necessary or desirable to modify the approved plans before or during construction of the LWEF, the Planning Board's designated agent is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock or natural springs. The Board's agent shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Planning Board for the record. For major modifications such as relocation of rights-of-way or of LWEFs, changes in grade by more than 1%, the Applicant shall submit to the Planning Board an amended plan for review, approval, or ratification.

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### 7.2 Public Health and Safety Standards

- 7.2.1 **Setbacks.** All LWEFs must be sited so as to satisfy the Setback Standards for the following:

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tower or turbine collapse, debris and ice throw, shadow flicker, and blade glint. Setbacks shall be no less than 1.5 times the maximum height of the wind turbine from the nearest property line. Wind Turbines shall be no less than six (6) times the turbine height from occupied buildings. Additional setbacks may be required to meet noise standards. The Planning Board shall not waive this provision unless requested by the affected property owner.

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7.2.1.1 The applicant shall submit a graph of the required setback for each hazard as a circle for a single unit or as a series of connected arcs for multiple units centered on each turbine and submitted with the required setback graphically superimposed to scale on town maps identifying lot owners, structures, and lot property lines.

7.2.2 **Acoustics.** Sound pressure levels due to the operation of the LWEF shall not exceed levels set forth herein at property lines, structures, or other places/features in the Town of Antrim identified through the application process; additional consideration may be given to day, night, and summer levels, as well as impact on residences at abutting properties.

7.2.2.1 Sound pressure levels at property lines and/or structures shall not exceed 5 dBA above preconstruction ambient levels. DBC levels shall not be more than 25 dB above the measured dBA preconstruction ambient level. The Planning Board shall not waive this provision unless requested by the affected property owner.

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7.2.2.2 Prior to permit approval, a pre-construction ambient noise level study shall be conducted at each property line within 2 miles of any proposed wind turbine. Tests shall be conducted using both A weighted (dBA) and C weighted (dBC) scales. A 5 dBA penalty shall be applied for tonal noise. This is a single tone or limited frequency noise (vs. broadband noise) associated with mechanical noise artifacts (i.e. high pitched whining, screeching, buzzing).

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7.2.2.3 All sound measurements shall be made by a professional acoustical engineer approved by the Planning Board who is a Full Member of the Institute of Noise Control Engineering (INCE) or who possesses some comparable qualification.

7.2.2.4 Except as specifically noted otherwise, sound measurements shall be conducted in compliance with the latest version of the American National Standards Institute (ANSI) Standard S12.18-1994 "Outdoor Measurements of Sound Pressure."

7.2.2.5 Sound level meters and calibration equipment shall comply with the latest version of ANSI Standard S1.4 "Specifications for General Purpose Sound Level Meters," and shall have been calibrated at a recognized laboratory within one year before the sound measurements are carried out.

### 7.3 Environmental Standards

7.3.1 **Environmentally Sensitive Areas.** The design, construction, and maintenance of a LWEF shall protect all environmentally sensitive areas that may be affected by its siting, or shall mitigate if protection is not practicable. Such areas shall include but not limited to wetlands, vernal pools, seeps or springs, steep slopes (equal to or greater than 15%), watersheds, flood plains, significant habitat for wildlife, fish, and plants. An application for a LWEF permit shall demonstrate appropriate measures for protecting and/or mitigating all such areas during both construction and operation of the LWEF.

7.3.2 **Water Quality Protection.** LWEFs shall be designed, constructed, and maintained so as to avoid adverse impacts to groundwater, including sand and gravel aquifers. The Planning Board may require that a pre-construction baseline study of all wells, springs, and public water sources within the impact zone within the watersheds of the North Branch, Contoocook River and Great Brook of the LWEF site be conducted by a water quality professional.

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### 7.4 Visual Impacts.

7.4.1 LWEFs shall be designed and located to minimize visual impacts from neighboring residential.

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cultural resource areas, public recreational and scenic areas, including but not limited to, Meetinghouse Hill, Gregg Lake, Gregg Lake Meadow Marsh complex, Willard Pond, and Loverens Mill Cedar Swamp.

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- 7.4.2 All available mitigation techniques to reduce the visual impacts of the wind energy project to nearby residences and public use areas shall be considered using methods prescribed by the American Landscape Institute.
- 7.4.3 In determining the visual impact of an LWEF the Planning Board shall take into consideration the following:
- 7.4.3.1 Whether the project violates a clear written standard intended to protect scenic values or aesthetics of a particular scenic resource.
- 7.4.3.2 Whether the project dominates views from highly sensitive viewing areas or within the project area as a whole.
- 7.4.3.3 Whether the applicant took reasonable measures to mitigate significant or avoidable impacts of the project.

## 8.0 Requirements

- 8.1 **Hazardous Materials.** The Owner/Operator of any LWEF shall be responsible for compliance with all ordinances, regulations, and laws applicable to the generation, storage, cleanup, and disposal of hazardous materials resulting from the LWEF.
- 8.2 **Public Utility Impact.** The Planning Board may consult the New Hampshire Public Utility Commission, a transmission owner, and/or the regional grid operator concerning the impact statement.
- 8.3 **Shadow Flicker.** A LWEF shall be designed and sited in a manner that does not result in shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.
- 8.4 **Fire Prevention Plan.** An Application for an LWEF shall include a Fire Prevention and Fire Fighting Plan prepared by a licensed Fire Protection Engineer in consultation with the Antrim Fire Chief approved by the Planning Board.
- 8.4.1 The plan shall include the incorporation of self-contained fire protection system in the turbine nacelle.
- 8.4.2 The plan shall include a response plan to address all potential LWEF fire scenarios and include a list of hazardous materials that may be encountered, and provisions for any additional fire fighting or rescue personnel, services, training, materials, and vehicles as may be required to deal with any emergency related to the LWEF that is beyond the current capabilities of the Antrim Fire Department. Any associated costs to meet identified needs shall be fully borne by the Owner or Operator.
- 8.5 **Road and Property Risk Assessment.** An application for a permit to construct a LWEF shall include a Road and Property Risk Assessment prepared by a licensed engineer approved by the Planning Board. The assessment shall document road conditions prior to the construction of the LWEF, and again within thirty days after construction is complete. Any road damage determined by the engineer to have been caused by the applicant or his contractors shall be promptly repaired at the applicant's expense. The Town of Antrim may bond the roads in compliance with state regulations, and the bond is to be paid by the applicant prior to the transport of LWEF components.
- 8.6 **Wildlife Protection.** The application for a LWEF shall include a Wildlife Protection Plan based on pre-construction field studies designed and carried out by a qualified wildlife biologist approved by the Planning Board. Such studies shall describe the possible adverse effects of the LWEF on birds, bats, animals and their habitats, and shall propose remedies for these effects, all consistent with the studies recommended in the US Fish and Wildlife Service's "Wind Turbine Guidelines Advisory Committee Recommendations," dated March 4, 2010 or subsequent updates.
- 8.7 **Hazardous Wastes.** The Owner/ Operator shall be responsible for compliance with all state and federal

**Deleted: Statement.** An application for a permit for a LWEF that will be connected to the Public Utility Grid shall include a Public Utility Grid Impact Statement documenting all anticipated changes to the public utility grid within the Town of Antrim due to the LWEF. The Statement shall be signed and approved by the New Hampshire Public Utilities Commission and shall include proof of leases or rights of way for transmission lines, and an analysis of the residual capacity in the grid that will be available to other local generating projects after the construction of the LWEF

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regulations applicable to the use and disposal of hazardous wastes involved in or generated by the LWEF's construction and operation. This responsibility shall extend to safe and lawful disposal of the by-products of any Acid Rock Testing and Mitigation Plan.

8.8 **Hazard Lighting Mitigation.** All LWEFs shall be designed and sited to minimize nighttime light pollution and shall not exceed the minimum requirements by the Federal Aviation Administration. Red lights shall be used in place of white whenever possible and shall be shielded to the greatest extent possible from viewers on the ground. An applicant for a LWEF shall provide a lighting plan showing all exterior building and ground lighting pertaining to the LWEF project. At the time of equipment upgrade for any other reason, at such time that better, less intrusive hazard lighting technology becomes available, the Planning Board may require the Owner or Operator to upgrade the LWEF to such standards.

8.9 **Visual Impact Assessment.** Whenever a LWEF is proposed for a site that is visible from any of Antrim's scenic or special resources as identified in the Town's Master Plan and Open Space Plan, the applicant shall provide a Visual Impact Assessment that shall include at least the following:

8.9.1 A detailed project map.

8.9.2 A viewshed analysis map showing potential project visibility within the Town of Antrim based on the highest point of all project turbines at blade tip. The viewshed analysis should distinguish between potential visibility within open areas (e.g. meadows, marshes, water bodies) and forested areas. More detailed studies for individual turbines may be requested. Software specifically designed for viewshed analysis based on GIS should be used.

8.9.3 Photographic simulations shall be provided for potentially sensitive public viewpoints. The Planning Board may request that particular viewpoints be illustrated. Simulation photographs should be taken at 50mm (or digital equivalent) and illustrated on 11 x 17" printed copies for each simulation. If several photographic frames are required to illustrate the breadth of the project from a particular viewpoint, illustrations shall be provided of each 50mm frame, plus a combined panorama view. Any visible roads, site clearing or other project infrastructure shall be depicted on the simulations.

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8.9.4 The report shall identify all possible public viewing locations with a description of how the project would appear, how many turbines would be visible, and a photograph of the project ridge from each location. These locations could include the center of Town, public recreation areas, historic sites, and scenic sections of Town or State roads. Visibility of all project components, including roads, clearings resulting from regarding, and transmission lines shall be addressed.

8.9.5 The report shall employ a standard visual impact assessment methodology for explaining what the visual impacts of the project would be and why these may be acceptable or unacceptable. Of particular concern are public recreation areas where there is an expectation of a natural setting. An indication of impacts to private residences shall also be discussed.

8.9.6 The report will identify all mitigation methods proposed by the applicant, if any, to address the potential visual impacts of the LWEF. These methods may include turbine relocation, reductions in turbine height or numbers, hazard lighting mitigation by employing audio-visual warning systems, underground placement of collector lines, or other methods.

8.9.7 The Planning Board may require additional mitigation measures to ensure that the project will not impact the scenic resources of the town.

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8.10 **Post Construction Studies.** Following completion of construction of a LWEF, studies to ascertain its actual effect on environmental resources shall be conducted by qualified professionals approved by the Planning Board, including but not limited to those described below.

8.10.1 **Wildlife Protection Field Study.** Within three years of completion of a LWEF, a field study to ascertain any actual effects on wildlife shall be conducted by a qualified wildlife biologist, approved by the Planning Board, consistent with the US Fish and Wildlife Service's "Wind Turbine Guidelines Advisory Committee Recommendations," dated March 4, 2010, or subsequent updates. If these studies demonstrate adverse effects on wildlife caused by the

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LWEF, the Owner/Operator shall design and implement an appropriate mitigation plan to be approved by the Planning Board.

8.10.2 **Groundwater Quality Study.** Within two years after completion of construction of a LWEF, a Water Quality study of all wells, springs, and public water sources specifically identified during the application approval process in the impact zone within the watersheds of the North Branch, Contoocook River and Great Brook of the LWEF site shall be designed and carried out by a water quality professional. If degradation or contamination is found to have occurred, the Owner/Operator shall design and implement an appropriate mitigation plan to be approved by the Planning Board.

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8.11 **Communication Interference.** LWEF's shall be designed and sited to prevent the disruption or loss of emergency or private radio, telephone, television, microwave, or similar signals. Any property owner in Antrim who believes that they are experiencing interference from the LWEF shall present their concerns to the Planning Board, who will meet with all parties in an effort to resolve the issues, based on the Resolution Plan submitted with the application.

8.12 **Notification of Extraordinary Event.** The Owner/Operator of the any LWEF shall notify the Select Board and Planning Board of any "extraordinary event" immediately or at the latest within 24 hours after that event. Extraordinary events shall include but not be limited to tower collapse, catastrophic turbine failure, fires, leakage of hazardous materials, unauthorized entry into a tower base, thrown blade or hub, injury caused by the LWEF, and any other event that affects public health and safety.

8.13 Inoperable or non-functioning wind turbines or met towers are to be repaired as soon as is reasonably feasible, with time being of the essence. The replacement turbine shall have the same or nearly identical visual characteristics as that being replaced or repaired.

8.14 **Financial Assurance**

8.14.1 The Owner/Operator of a proposed LWEF shall provide evidence satisfactory to the Planning Board that the project is financially viable and that adequate financial resources are in place or will be in place prior to the Planning Board's issuance of an approval and permit. Evidence of financial viability shall include but not be limited to the following submissions:

- A detailed budget for the construction of the LWEF.
- Acceptable written evidence of adequate financing to complete all aspects of the construction.
- Acceptable written evidence of long-term power purchase contracts.
- Acceptable written evidence of adequate funding to support the cost of decommissioning as specified in Section 11 of this Ordinance.

8.14.2 The Owner/Operator of a LWEF or the property owner, as applicable, shall maintain insurance at all times and in a form and amount acceptable to the Planning Board and Select Board. Acceptable evidence of adequate insurance coverage shall be provided prior to the issuance of an approval and permit to operate. A copy of the policy describing coverage, effective and expiration date, and the policy's deductible, shall be provided. No construction of any kind may begin without evidence of acceptable insurance as described above. Thirty (30) days prior to the expiration date of the policy's scheduled expiration date, a current Certificate of Insurance will be provided to the Select Board. All material changes or modifications to insurance coverage, including increases to the deductible allowance, will require Select Board approval.

9.0 **Tax Impact Statement.** Prior to the issuance of a Permit to Operate, the Owner or Operator shall submit to the Planning Board and the Board of Selectmen a tax impact statement that provides an estimate of the annual tax impact to the taxpayers of Antrim over the expected life of the LWEF.

9.1 The Tax Impact Statement shall include an assessment of projected property valuations based on the likely value of the LWEF.

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9.2 Any beneficial representations made to the Town by the applicant will be considered a condition of approval.

10.0 **Property Valuation.** After approval to construct, if requested by a property owner in Antrim, the Owner or Operator shall meet with the property owner for the purpose of discussing the property owner's concerns relative to the property valuation effects of the LWEF on the property owner's property.

11.0 **Decommissioning.** The Owner/Operator of a LWEF shall be fully responsible for the complete decommissioning of the LWEF within 12 months after it ceases to generate electricity or its permit to operate has been revoked, subject to the following: unless the Owner/Operator continues to pay its financial obligations to the Town and fully maintains the LWEF in such a way that will allow the LWEF to begin operation again in the future, as determined by an engineer approved by the Planning Board.

11.1 Decommissioning shall include removal and disposal off-site of all parts of the LWEF (including foundations) in accordance with local, state and federal laws and regulations, and the re-vegetation with native vegetation of the area according to a Site Restoration Plan.

11.2 A NH Licensed Professional Engineer approved by the Planning Board and paid by the Applicant shall estimate the total cost to decommission the LWEF without consideration of the salvage value of the parts, materials, or equipment. The amount of this estimate shall be the dollar amount of the bonding required at or prior to the date of issuance of formal approval by the Planning Board.

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11.3 No approval will be granted nor permit issued for a LWEF until such time as a Decommissioning Fund, in form and amount acceptable to the Planning Board and Select Board, has been established. Decommissioning Funds may take the form of cash, a Reclamation Bond issued by an insurance company with a Best Rating acceptable to the above stated municipal boards or an Irrevocable Letter of Credit issued by a bank authorized to conduct business in the State of New Hampshire and acceptable to the above stated municipal boards.

11.4 Estimates of decommissioning expense shall be updated at least every five years subsequent to the anniversary date of the granting of a LWEF Permit, and the Owner/Operator of the LWEF shall be required to maintain Decommissioning Funds that are at least equal to the most recent estimate. Failure to update the cost of decommissioning annually shall constitute a default under the terms of approval.

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11.5 If the Owner/Operator of the LWEF does not complete Decommissioning within the timeframe prescribed, the Town of Antrim may institute such legal action as may be allowed (including court action) to gain control of the Decommissioning Fund and to ensure to the extent that the Fund balance may allow, to complete or substantially complete, the Decommissioning requirement.

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11.6 The Select Board and Planning Board, as joint Escrow Agents, may not release or reduce the amount of an established Decommissioning Fund where the Town is listed beneficiary of said Fund, without an affirmative vote, properly conducted and noticed, by both Boards. A detailed written request with a well-defined justification must be submitted by the Owner/Operator prior to the vote. The decision on the request will be provided to the Owner/Operator in writing within sixty (60) days of receipt of said request.

## 12.0 Application Procedure.

12.1 Applications for new and replacement LWEFs shall be filed and processed in accordance with the Town of Antrim Subdivision and Site Plan Review Regulations. The application for a Conditional Use Permit may be filed and processed concurrently with the Site Plan Review.

12.2 A LWEF is deemed to have regional impacts, therefore the procedure shall include notification as per NH RSA 36: 54-57.

12.3 Submission Requirements. In addition to the submission requirements for a Site Plan Review, applicants for a LWEF shall submit the following:

12.3.1 Plans prepared and stamped by a professional engineer licensed in New Hampshire that show the location, shape, size, design and height of all proposed components of Met Towers and LWEF, including the proposed access to the project site and associated

transmission lines.

- 12.3.2 A location map to scale of current and planned land uses within the project boundary and a one-mile radius beyond the project boundary prepared by a NH licensed land surveyor.
- 12.3.3 A site grading and clearing plan that shows all areas to be cleared and all grade changes; the plan shall include details on the collector lines, locations and heights of poles, clearing limits for above-ground lines, substations, transmission line details, and upgrades or changes to existing power lines.
- 12.3.4 Historical, Cultural, Archeological Resource Map prepared by NH licensed land surveyor.
- 12.3.5 Environmental Resource Map prepared by a qualified NH licensed land surveyor.
- 12.3.6 Intended period of data collection for the Met Tower.
- 12.3.7 Certification of the non-reflecting properties of the external surfaces of the LWEF.
- 12.3.8 Calculations and supporting data for all setbacks for each turbine.
- 12.3.9 List of property owners whose property wholly or in part falls within the setback areas.
- 12.3.10 Studies and Reports as required by the Planning Board, including but not limited to the following. The cost of any required study, report, plan, mitigation effort, or other work required to be done by the Planning Board is the full responsibility of the applicant.

12.3.10.1 Ambient Noise Level Study

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12.3.10.2 Fire Protection Plan

12.3.10.3 Road and Property Risk Assessment

12.3.10.4 Wildlife Protection Plan

12.3.10.5 Groundwater Quality Studies

12.3.10.6 Visual Impact Assessment

12.3.10.7 Financial Assurance Documentation

12.3.10.8 Tax Impact Statement

- 12.3.11 A Resolution Plan to address any complaints from affected parties during construction and over the life of the operation. The Plan shall identify a contact person and a process for mediation.
- 12.3.12 A Site Restoration Plan including the elimination of all roads constructed to gain access to the site.
- 12.3.13 Any other information deemed necessary by the Board in order to make an informed decision.

13.0 **Repowering.** When a LWEF is planned for a retrofit, the Owner/Applicant must apply to the Planning Board for approval before the LWEF may be repowered.

14.0 **Permit to Operate.**

- 14.1 Following construction of a LWEF, before commencing operation, the Owner/Operator shall apply to and receive approval from the Planning Board for a Permit to Operate. The application shall include the following:
  - 14.1.1 An Inspection Report prepared and signed by a NH licensed structural engineer certifying the structural and operational integrity of the LWEF, and completion of construction in accordance with all submitted and approved building, road, and lighting plans, and any other plans submitted to the Planning Board as required.
  - 14.1.2 Decommissioning Bond.



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14.1.3 Financial Assurances.

14.1.4 A signed statement that the Applicant has read this Ordinance, understands all its provisions, and agrees to abide by them.

14.2 A Permit to Operate shall be valid for twenty (20) years. Application for renewal requires Planning Board review and approval at a public hearing.

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14.3 Applications for a Permit to Operate or a Renewal Permit will be heard at the next regularly-scheduled Planning Board meeting for which adequate legal notice has been posted.

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14.4 A Permit to Operate is not transferable to a new owner or operator. Upon transfer of the property/LWEF, the new Owner or Operator shall apply to the Planning Board for a new Permit to Operate.

14.5 All conditions of approval shall be reviewed by the Planning Board annually.

14.6 A Permit to Operate shall be revoked and the LWEF required to cease operations if the Select Board determines that there is a violation of any provision of this ordinance or other applicable regulations. The Permit shall not be reinstated until the Select Board is assured at a duly-noticed public hearing that all violations have been corrected.

## 15.0 Administration and Enforcement

15.1 This ordinance shall be administered by the Planning Board and enforced by the Select Board or its designated agent(s).

15.2 In the issuance of the Conditional Use Permit, the Planning Board may attach reasonable conditions to an approval that it deems necessary to minimize any burden on any person affected by the proposed LWEF. The Planning Board also may waive or modify the standards or requirements of this Ordinance only if the Board finds by majority vote following the public hearing that specific circumstances relative to the proposal or peculiar conditions pertaining to the land in question indicate that the waiver will not be contrary to the public interest and will properly carry out the spirit and intent of this Ordinance.

15.2.1 Any landowner may grant a permanent easement or waiver to the Owner/Operator for any impacts of the LWEF on their property that is inconsistent with this ordinance (for example, setbacks, shadow flicker, etc.). The terms of the easement or waiver shall be part of the public hearing process, and shall be recorded in the Registry of Deeds. Upon receipt of the permanent easement or waiver, the Planning Board shall review such instrument and no construction shall begin until the Planning Board approves the easement or waiver.

15.3 Third Party Review. Pursuant to NH RSA 676:4-b, the Planning Board is authorized to require an applicant to reimburse the Board for expenses reasonably incurred by obtaining third party review for review and consultation during the review process, or for inspections during the construction phase, or for any post-construction inspections.

15.4 Inspections and Monitoring. The Planning Board and/or its designee may enter the site of a completed LWEF for the purpose of assuring compliance, investigating complaints, or assessing potential future occurrences or hazards that could arise. In such a case, the Board will provide the Owner/Operator with 48-hour telephone notice, followed by email notification for the record.

15.5 Violations and Penalties. Upon receipt of any convincing information, either written or verbal, the Select Board or its designated agent may institute appropriate corrective action. The Board or its designated agent will notify the Owner/Applicant in writing of the violation, the action needed to correct it and the timeframe for correction. If the violation is not corrected, the Select Board or its designated agent is authorized to take any action it deems appropriate by the authority provided under NH RSA 676:17.

15.6 Grievances. In the event an Antrim citizen has a grievance resulting from the construction or operation of a permitted LWEF, the citizen may bring the issue before the Select Board for redress.

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- 16.0 **Appeals.** Any person aggrieved by any decision made by the Planning Board in administering this Ordinance may appeal to the New Hampshire superior court, as provided in RSA 677:15.

DRAFT