Town of Milbridge

WIND ENERGY CONVERSION SYSTEMS ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to provide standards for wind energy conversion systems that are used to produce electrical power.

SECTION 2. AUTHORITY

The Milbridge Planning Board is vested with the authority to review and approve, conditionally approve or reject any application for wind energy conversion systems.

SECTION 3. SEVERABILITY

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

SECTION 4. DEFINITIONS.

(a) FAA – Federal Aviation Administration
(b) Site – The parcel of land where a wind energy conversion system is to be placed. The site can be privately or publicly owned and is a single lot or may include adjacent lots.
(c) Wind Energy Conversion System – a wind energy conversion consisting of a wind turbine, a tower, footings, electrical infrastructure, fence and any other associated equipment of structures, which is intended to produce electrical power.
(d) Tower height – The vertical distance measured from the finished grade of the fixed portion of the tower to the highest point of the blade in full vertical position.
(e) Viewshed map – A map that shows the geographic area from which a Wind Energy Conversion System may be seen.

SECTION 5. APPLICATION.

Applicants shall complete the Conditional Use Application and pay an application fee. Applicant shall also submit:

(a) Evidence of applicant's right, title or interest in the property site.
(b) A scaled representation showing the total height.

(c) Evidence that the proposed height does not exceed the recommended height by the manufacturer.
(d) The planned location of each System, property lines, setback lines, fencing, access roads, right-of-way boundaries and the layout of all structures within the setback area.
(e) A viewshed map, location of existing trees, and any visual screening incorporated to lessen the System's prominence.
(f) List of all abutting property owners with their mailing address.

SECTION 6. DIMENSIONAL REQUIREMENTS

(a) Minimum site area – The minimum site area for a single Wind Energy Conversion System shall be 3 acres.
(b) Setbacks – All Wind Energy Conversion Systems shall be set back a minimum horizontal distance of 1.1 times the total height of the system from property lines, roads, easements and habitable buildings. New habitable buildings shall not be constructed within the setback area after a System is constructed and operating.
(c) Height – The total height shall not exceed 75 feet, except in Shoreland Zone where the total height is 35' . The allowed height may be reduced if necessary to comply with FAA.

SECTION 7. DEVELOPMENT STANDARDS

(a) The system's tower and blades shall be a non-reflective color that blends the System and its components into the surrounding landscape to the greatest extent possible.
(b) Exterior lighting on any tower or turbine shall not be allowed except that which is required by FAA.
(c) System shall have a locked fence at least six (6) feet in height that encloses the tower.
(d) At least two signs shall be posted on the tower at a height of five (5) feet warning of electrical shock or high voltage and harm from revolving machinery.

SECTION 8. ABANDONMENT OF USE

A Wind Energy Conversion System which is not used for eighteen (18) consecutive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner if the system is deemed a hazard.

SECTION 9. BOARD REVIEW

The applicant shall notify all abutting property owners by certified mail, return receipt requested. If two or more abutters of the Town object in writing, the Board shall schedule a public hearing within 30 days of acceptance of a complete application. The Board may attach conditions to approvals to ensure conformity with the purpose of the ordinance. If the application concerns property within the Shoreland

Zone, the criteria included in the Shoreland Ordinance shall also be reviewed. All approvals expire within one year of date of issuance.

SECTION 10. ENFORCEMENT

This Ordinance shall be enforced, and any violations hereof abated, by the municipal officers of the Town of Milbridge or their duly authorized designees, and shall be enforceable by and under, and subject to all the terms, fines and penalties of 30A MRSA 4451 and 4452, as amended, which are incorporated herein by reference.

SECTION 11. NO RETROACTIVE EFFECT

This Ordinance does not render illegal any structure, facility or use which legally existed or was under active construction at the effective date of this Ordinance. Permits issued prior to the adoption of this Ordinance remain valid for a period of one year from the initial date of issuance.

SECTION 12. AMENDMENT

This Ordinance may be amended by a vote of Town Meeting.

SECTION 13. EFFECTIVE DATE

This Ordinance takes effect and is in force as of the date of its enactment by a duly called annual or special Town Meeting.

Attest: A true copy of an ordinance entitled "Wind Energy Conversion Systems Ordinance" as certified to me by the municipal officers of Milbridge, Maine on the 5 day of Aug., 2013

Brienne Fraser
Town Clerk