TOWN OF TROY



ENERGY DEVELOPMENT

ORDINANCE

Prepared for the Town of Troy
by the
Troy Energy Committee

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I. PURPOSE

The purpose of this Ordinance is to preserve the health, safety, and welfare of the residents and property owners of Troy and to protect its unique and significant natural features including agricultural land, forested land, wildlife habitat, and wetlands. It is also to preserve our homes and the infrastructure of our town. To this end, this ordinance and its regulations shall require close adherence by large scale wind energy facilities, large scale solar energy systems, and electric transmission facilities and corridors. This includes but is not limited to all aspects of planning, developing and maintenance of facilities and corridors.

II. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act 30-A M.R.S.A. Section 4312, et seq.

III. APPLICABILITY

This ordinance applies to all Wind Energy Facilities, Meteorological Towers, Solar Energy Facilities, and Electric Transmission Facilities and Corridors in the Town of Troy not permitted prior to the Troy moratoria dated August 3, 2023, 6:20 PM (solar, wind and energy facilities) and September 27, 2023, 6:00 PM (high impact electric transmission lines).

IV. ABROGATION

This Ordinance repeals and replaces any municipal ordinance previously enacted to control the development of Solar, Wind Energy, and ETF Facilities, as defined herein, in the Town of Troy.

V. EFFECTIVE DATE

This Ordinance is effective upon adoption by town vote.

VI. AVAILABILITY

A certified copy of this Ordinance shall be filed with the Troy Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be available in the Troy Town office.

II. FEE SCHEDULE

A. Application fees:

All applications for Wind Energy Facility, Solar Energy System, and Electric Transmission Facility and Corridor development shall be accompanied by a nonrefundable fee payable to the Town of Troy, according to the following schedule:
Section XXV.A: Fees Document.

B. Escrow fund fees:

Section XV: Financial Standards.

VIII. ENFORCEMENT

A. It is the Code Enforcement Officer's duty to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall personally notify the person responsible for such violation. If the violation continues, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it, including discontinuance of illegal buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

B. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

C. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

D. Any violation of this Ordinance shall be deemed a nuisance. Any person, including but not limited to a landowner, a landowner's agent, or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A. Section
4452.

E. Violations

i. The Code Enforcement Officer shall investigate all complaints of alleged violations of this Ordinance.

ii. Development of any kind without Code Enforcement Officer or Planning Board approval (as appropriate) shall be a violation of law. Development includes land clearing, grading or construction of roads, grading of land or lots, or construction of structures which require a plan approved as provided in this ordinance and recorded in the Registry of Deeds.

iii. The Code Enforcement Officer may represent the town in District Court pursuant to Rule 80K of the Maine Rules of Civil Procedure.

F. Inspections.

i. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals.

ii. At the close of each summer construction season the Town shall, at the expense of the developer, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Planning Board based on that inspection, addressing whether storm water and

erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.

iii. Upon completion of road construction and prior to a vote by the selectpersons to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to them at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As-built" plans shall be submitted to the select persons.

iv. The developer is required to maintain all improvements and provide for snow removal on roads until acceptance of the improvements by the town or the control is placed with a lot owners association, or other responsible entity.

IX. DEFINITIONS

Acoustic Hazard Annoyance and hazard (health, property values) owing to the sound produced by a WEF, SES, or ETFC

Applicant Person, or persons, or entity applying for a permit or license to the Town of Troy under this Ordinance

CEO Code Enforcement Officer for the town of Troy

Covenants A legal agreement, convention or promise by two or more parties by deed in writing, signed, and delivered, by which one of the parties pledges himself to the other that something is done, or shall be done, or shall not be done, or stipulates the truth of certain facts. For this Ordinance this legal agreement shall contain stipulations required and put forth herein and shall be a covenant running with land.

D Distance measured in feet.

Debris Hazard Hazard, owing to the possibility that the parts of a WEF, SES, OR ETFC, or material (ice or other debris) accumulated on its components, could be dislodged and fall, or be thrown some distance onto surrounding property.

dB(A) or dBA The abbreviation designates both the unit of measure sound level, the decibel, and the mode of measurement that uses the A-weighting of a sound level meter. dB(C) or dB(C) means the abbreviation designating both the unit of measure sound level, the decibel, and the mode of measurement that uses the C-weighting of a sound level meter.

Decibel (dB) The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micro pascals); abbreviated "dbs."

Electric Transmission Facility or Corridor (ETFC) Any project, whose main purpose is the transmission of electricity, and all of its affiliated buildings and facilities that contain an electrical transmission system with a voltage class of 69 kV or greater.

Engineering drawing Rendering of an object or land area using drafting instruments or CAD showing all critical features and appropriate dimensions to describe the subject.

Essential Wildlife Habitat Areas identified by the Commissioner, Maine Department of Inland Fisheries and Wildlife, in accordance with the provisions of 12 M.R.S.A., Chapter 925, Subchapter 3, and any Department of Inland Fisheries and Wildlife rules implementing that Subchapter.

ETFC Electric Transmission Facility or Corridor.
Falling Hazard. Hazard owing to the possibility that the elements of a WEF, SES, OR ETFC could fall onto the surrounding property.

Flicker Hazard Annoyance and hazard produced by alternating changes in light intensity caused by the movement of wind turbine blades casting shadows on the ground or a stationary object.

Flicker Hazard Report – see Section X.M.

Flicker Receptor Any non-participating Landowner's property within two miles of any Turbine.

Geological Instability Can include possible fault lines, areas of potential landslides, heavily fractured or unstable bedrock that would cause the tower and/or structure to fall or collapse.

Good Utility Practice Any of the practices, methods and acts with respect to the safe operation of a WEF, SES, or ETFC engaged in or approved by, in particular, those portions of the industry with experience in the construction, operation and maintenance of the facility during the relevant time period; or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision is made, could be expected to accomplish the desired result with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.

HO Height overall. Height of a structure from the base of the structure to the highest point on the structure or the highest point of any rotating element, whichever is higher.

Inhabitant One who resides actually and permanently in a given place and has his domicile there.

Kilovolt (kV) Unit of electrical potential equal to 1,000 volts.

LAeq The energy-equivalent sound pressure level measured in decibels with a sound level meter set for A-weighting, "Fast" response over a measurement period; expressed as LAeq or Leq in dBA.

Large Scale Project (LSP) Any, and all, ETFCs, Type 3 WEFs, and Type 3 SESs

Lc Criterion sound level, dBA, set to 30 dBA, consistent with the World Health Organization's Night Noise Guideline 2009, to prevent biological effects, to protect public health in risk groups including children, elderly and those with disease or pre-existing health conditions and, to minimize sleep disturbance at night; a criterion level of 30 decibels (LAeq) for continuous intrusive noise as the level above which biological effects, medical impacts on sensitive populations, and sleep disturbance were found with sufficient evidence under comprehensive medical and scientific peer review by World Health Organization.

LCeq The energy-equivalent sound pressure level measured in decibels with a sound level meter set for C-weighting, "Fast" response over a measurement period; expressed as LCeq or Leq in dBC.

Lp Sound Pressure Level measured in dBA in accordance with American National Standards S12.9 – Part 3, "Quantities and Procedures for Description and Measurement of Environmental Sound" or ANSI S12.18.

Ls Safety Factor, shall be 2 dBA unless otherwise authorized by the Town of Troy, to account for variations in meter total instrument response.

Lu Uncertainty factor, shall be 5 dBA unless otherwise authorized by the Town of Troy based on measured maximum hourly sound levels at wind turbine facilities in Maine compared to predicted sound levels and the resulted required corrections of 5 dB

Lw Manufacturer's Guaranteed Maximum Sound Power Level, in dBA re 1pW, under any operating conditions, including high winds, yawing, furling, and power outages, whether electrically loaded or unloaded.

Maximum sound level (Lmax) The maximum sound pressure level measured in decibels with a sound level meter set for A-weighting, "Fast" meter response over a measurement period; expressed as Lmax in dBA.

Meteorological Tower (MT) Tower constructed to mount instruments at one or more heights above grade for the purpose of collecting wind or other meteorological data.

Occupied Structure A building in which people live, work or frequent, including seasonal/recreational usages.

Owner/Operator The person or entity that is the legal owner of the WEF, SES, or ETFC including successors and assigns, and that has the authority and responsibility to operate the

WEF, SES, or ETFC on a day-to-day basis. An Owner/Operator must have the legal authority to represent and bind.

Permit Written permission issued by the Town of Troy empowering the holder thereof to construct a facility in accordance with this Ordinance.

Permittee Any person or organization to whom a permit, as it pertains to this Ordinance, is issued.

Project Boundary The boundaries of the WEF, SES, or ETFC within which the Owner/Operator has legal right title or interest, or the option to acquire the same, and as shown on the site plan submitted to and approved by the Town of Troy in accordance with this Ordinance.

Project Parcel Any parcel(s) of real estate on which all or any part of a WEF, SES, or ETFC will be constructed.

Property line The imaginary line along the ground surface and the vertical extension of that line which constitutes a legally enforceable boundary which separates real property owned or controlled by owner(s) from contiguous real property owned or controlled by another person.

Public Way Any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, or other road dedicated to the public.

Qualified Independent Acoustical Consultant Qualifications for persons conducting baseline and other measurements and reviews related to the Application for a WEF, SES, or ETFC or for enforcement actions against an operating WEF, SES, or ETFC include, at a minimum, demonstration of competence in the specialty of community noise testing and Board-Certified Membership in the Institute of Noise Control Engineers (INCE). Certifications such as Professional Engineer (P.E.) do not test for competence in acoustical principles and measurement and are thus not, without further qualification, appropriate for work under this Ordinance. The Independent Qualified Acoustical Consultant can have no direct or indirect financial or other relationship to an Applicant.

Scenic or Special Resource A scenic resource of state or national significance, as defined in Title 35-A M.R.S.A. § 3451(9), any site registered in the National Registry of Historic Places, or a scenic area or special resource of local significance as identified in the Town of Troy Comprehensive Plan.

Sc Flicker Hazard setback requirement (ft)

SES Solar Energy System.

Setback For WEF: a distance measured horizontally in feet from the center axis of any WEF turbine or Meteorological Tower radially for 360 degrees. For SES and ETFC: a distance measured horizontally in feet from the outermost edge outward.

Setback Area The entire land base that falls within the Setback for a particular MT, WEF, SES, or ETFC.

Sf/d Falling and Debris Hazard setback requirement (ft).

Solar Collector A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Energy System (SES) A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Building-Integrated Photovoltaic (BIPV) A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

Solar Energy System, Ground-Mounted an Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large scale).

Solar Energy System, Photovoltaic (PV) A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof-mounted, ground-mounted, or pole-mounted.

Solar Energy System, Pole-Mounted A solar energy system that is directly installed on specialized solar racking systems, which are attached to a pole that is anchored and firmly affixed to a foundation in the ground and wired underground to an attachment point at the building's meter. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.

Solar Energy System, Roof-Mounted an Active Solar Energy System that is mounted on the roof of a building or structure.

Sound level meter an instrument for the measurement of sound levels conforming to ANSI type I or type II standards.

Sound pressure level the level of a sound measured in dB units with a sound level meter which has a uniform (flat) response over the band of frequencies measured. Sound pressure levels are referenced to 20 micro pascals; expressed as [sound level] dB re 20uPA.

Sound power level Calculated from a sound pressure level at a given distance by the formula Lw=Lp+20logD+0.5, dB re 10-12 W where Lp is measured in accordance with American National Standards S12.9 – Part 3, "Quantities and Procedures for Description and Measurement of Environmental Sound" or ANSI S12.18, or Lw=Lp-6+10log(4pi(D2)), dB re 10-12 W where Lp is measured in accordance with AWEA/IEC 61400-11 using a 1-meter flat ground board. D is the distance from the source (typically the hub height plus ½ the rotor diameter).

Ss Acoustic Hazard setback requirement (ft).

Tilt The angle of the solar panels and/or solar collector relative to horizontal. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky (this is also known as 0° Azimuth). Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round.

Type 0 SES: All Active residential BIPV and Roof-Mounted Solar Energy Systems

Type 0 WEF: Micro Wind Energy Facility. One or more wind turbines, each with a nameplate capacity of less than 1 kW and a turbine height (measured to the top of an upright blade) of 35 feet or less.

Type 1 SES: Solar Energy System, Small-Scale. An Active Solar Energy System which occupies no more than 1,750 square feet or less of surface area; surface area shall be measured by the total surface area of the solar collector.

Type 1 WEF: Small Wind Energy Facility. A single wind turbine with a nameplate capacity of 10 kW or less and a turbine height (measured to the top of an upright blade) of 80 feet or less.

Type 2 SES: Solar Energy System, Medium-Scale. An Active Solar Energy System which occupies more than 1,750 square feet but less than 40,000 square feet of surface area; surface area shall be measured by the total surface area of the solar collector.

Type 2 WEF: Intermediate Wind Energy Facility. A single wind turbine with a nameplate capacity of less than 100 kW and or a turbine height (measured to the top of an upright blade) of 150 feet or less.

Type 3 SES: Solar Energy System, Large-Scale. An Active Solar Energy System which occupies more than 40,000 square feet of surface area; surface area shall be measured by the total surface area of the solar collector.

Type 3 WEF: Large/Commercial Wind Energy Facility. A single wind turbine with a nameplate capacity of 100 kW or a turbine height (measured to the top of an upright blade) of more than 150 feet. Or a WEF composed of two or more turbines each with a nameplate capacity of 1 kW or more. Or a WEF (of any size or number of turbines) 25% or more of whose power is intended for sale or use by entities or persons other than the generator.

W Power in Watts

Waiver A legal decision that may be made by the Town of Troy that grants the Covenantees and the Covenanters of a Covenant presented to the Town of Troy a right of relinquishing protection for them as regards to any section of this Ordinance.

WEF: Wind Energy Facility

Wind Energy Facility (WEF) All equipment, structures, roads, and power lines that together form a system for the production of electrical power using ambient wind as a source of motive power.

Wind Energy Facility Turbine (WEFT) Any machine constructed to convert ambient wind energy to electromotive energy.

X WIND ENERGY FACILITY STANDARDS & REQUIREMENTS

A. The design and manufacture of all meteorological towers, all wind turbines, and all other components of a WEF 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. All MTs and all components of a WEF shall conform to local, state, and national building codes.

B. Meteorological towers and all other WEF infrastructure must be less than 200 feet in height. For MTs connected with the potential development of commercial WEFs, a Decommissioning Bond will be required to ensure timely removal of the equipment.

C. 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.

D. A WEFT with a nameplate capacity less than 1 kW shall be equipped with a braking system designed to limit rotor speed and prevent blade flutter.

E. A WEFT with a nameplate capacity of more than 10 kW 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 on WEFTs with a nameplate capacity of more than 10 kW.

F. WEFs shall be designed and sited to prevent the disruption or loss of emergency or private radio, telephone, television, or similar signals. Interference with such communications shall be grounds for ordering the immediate shut down of the WEF until the interference has been remedied.

G. The minimum distance between the ground and the blades of a WEF shall be 25 feet as measured at the lowest point in the arc of the blades.

H. WEFTs shall be mounted on monopole towers with no guy wires. WEFTs with a nameplate capacity of under 1 kW may be mounted on structure roof tops.

I. The color of WEFTs and MTs shall be off-white or gray or some other unobtrusive color approved by the Town of Troy.

J. WEFs shall not be used to display signs or advertising except for signs at ground level identifying the turbine manufacturer, the WEF Owner/Operator, emergency contact information, and appropriate warnings as required by national, state, and local laws.

K. All construction activities must conform to the approved site plan, including any conditions of approval and changes approved by the Code Enforcement Officer and/or the Planning Board.

L. Modification During Construction If at any time it appears necessary or desirable to modify the approved plans before or during construction of the WEF, the Troy Code Enforcement Officer, with assistance at the Applicant's expense from such staff, consultants or experts as the CEO deems appropriate, is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Troy Code Enforcement Officer shall issue any approval under this section in writing and shall transmit a copy of the approval to the Troy Selectmen and Planning Board. Revised plans shall be filed with the Troy Planning Board for the record. For major modifications such as relocation of rights-of-way, relation of WEFTs, changes in grade by more than 1%, etc., the Applicant shall submit to the Troy Planning board an amended plan for review and approval.

M. Flicker Hazard Limits and Flicker Hazard Report/Study

i. WEFs shall be designed and sited so that shadow flicker will not fall on a Flicker Receptor as defined in Section IX. An exception to this standard may be made based on the following condition only, namely that the total flicker from all proposed WEF towers does not exceed 1 hour per year for any given Flicker Receptor.

ii. If different amounts of flicker fall on different parts of a Flicker Receptor – the worst case amount shall be used for calculations.

iii. The predictive annualized calculation shall assume clear weather but take into account seasonal tracking of the sun.

iv. Field verification and modeling, if necessary, will be paid for by the Applicant and hired independently by the Town.

v. The Application shall include a detailed shadow flicker assessment model and an estimate of the expected amount of flicker. This study must meet the following

requirements.

1. A registered professional regularly engaged in this type of work shall prepare the study. The Troy Planning Board shall retain a Qualified Independent Shadow Flicker Consultant paid for in advance by the Applicant. The consultant will review this study and assist the Planning Board in determining whether the proposed WEF will comply with the standards set forth in this Ordinance. The Applicant shall pay in advance for the cost of the study and its review.

2. The study will examine the areas within a two-mile radius of any WT in the proposed WEF.

3. The model will be calculated using the following minimum inputs:

a. Turbine locations (proposed and existing);
b. Flicker Receptor locations;
c. Existing topography (elevation contours and vegetation);
d. Rotor diameter, blade width and hub height;
e. Joint wind speed and direction distribution (wind rose table);
f. Hours of sunshine (long term monthly references).

4. The model may be prepared by use of current aerial photography and topographical maps.

5. The study shall estimate the locations and durations of shadow flicker caused by the proposed WEF within the study area. The study shall clearly indicate the duration of shadow flicker at locations throughout the study area, showing the total number of hours per year anticipated.

6. The study must include a statement of the assumptions made, methodology applied, and data used by the study. This information must be sufficient to allow an independent third party to verify the results of the study.

7. The study shall also include a paint sample that demonstrates the color, texture and gloss of the proposed surface coating and a certification that the proposed surface coating will not create a reflective surface conducive to blade glint.

XI. SOLAR ENERGY SYSTEMS STANDARDS

A. The SESs layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing

Laboratory(ETL),Florida Solar Energy Center (FSEC), National Electrical Code (NEC) book or other similar certifying organizations, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

B. 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. If, however, the applicant can demonstrate that this would not be feasible, then this requirement may be waived by Town of Troy Planning Board.

C. If a SES is being used as an accessory use for commercial/industrial activity on another property, then the Town of Troy shall be informed of the intent of the SES.

D. All SESs shall be situated to eliminate concentrated glare onto nearby structures or roadways.

E. SESs shall be designed and sited to prevent the disruption or loss of emergency or private radio, telephone, television, or similar signals. Interference with such communications shall be grounds for ordering the immediate shutdown of the SES until the interference has been remedied.

F. All SESs should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

G. The color of SESs shall be off-white or gray or some other unobtrusive color approved by the Town of Troy Planning Board.

H. SESs shall not be used to display signs or advertising except for signs at ground level identifying the equipment manufacturer, the SES Owner/Operator, emergency contact information, and appropriate warnings as required by national, state, and local laws.

I. All construction activities must conform to the approved site plan, including any conditions of approval and changes approved by the Troy Code Enforcement Officer and/or the Troy Planning Board.

J. If at any time it appears necessary or desirable to modify the approved plans before or during construction of the SES, the Troy Code Enforcement Officer, with assistance at the Applicant's expense from such staff, consultants or experts as the CEO deems appropriate, is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Troy Code Enforcement Officer shall issue any approval under this section in writing and shall transmit a copy of the approval to the Troy Selectmen and Troy Planning Board. Revised plans shall be filed with the Planning Board for the record. For major modifications such as relocation of rights-of-way, relation of SESs, changes in grade by more than 1%, etc., the Applicant shall submit to the Planning board an amended plan for review and approval.

XII. ELECTRIC TRANSMISSION FACILITIES & CORRIDORS STANDARDS

A. This Ordinance applies to all ETFCs, as defined herein, proposed to be constructed and operated after the effective date of the Ordinance.

B. It shall be a violation of this Ordinance to begin construction or operate an ETFC, as defined herein, without a Permit and Operational License.

C. It shall be a violation of this Ordinance to construct or expand an ETFC with an operating capacity of 35 kV or more, except that, in situations where the proposed ETFC and its infrastructural components cannot meet the 35 kV operating capacity limitation, the ETFC may be buried underground with approval from the Town of Troy.

D. It shall be a violation of this Ordinance to construct or erect any infrastructural components for an ETFC that exceed 45 feet in height, except that, in situations where the proposed ETFC and its infrastructural components cannot meet the height limitation, the ETFC may be buried underground with Planning Board approval. 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.

E. The burden of compliance with all aspects of this Ordinance is on the Applicant and the Owner/Operator of an ETFC. Approval of a Permit and Operational License by the Troy Planning Board does not abrogate or reduce the responsibility of the Applicant or the Owner/Operator to comply with this Ordinance. Consistent violations may lead to decommissioning and removal of the ETFC.

F. Decisions regarding compliance or approval of an Applicant's Permit and Operational License must be made in light of the entire Ordinance

XIII. PUBLIC HEALTH & SAFETY STANDARDS

A. SETBACK STANDARDS

i. Wind Energy Facilities and Meteorological Towers
All MTs and WEFs must be sited so as to satisfy the Setback Standards calculated in the WEF Setback Table (Section XXV.B) for the following hazards:

1. Falling and Debris Hazard;
2. Flicker Hazard;
3. Acoustic Hazard (See WEF Acoustic Hazard Table Section XXV.C for calculations of typical setback distances).

4. Regardless of calculated setbacks no Type 2 or Type 3 WEFT shall be less than 1.5 miles from any property line as determined by the town's official property maps.

5. All setback measurements shall be based on horizontal distances between the center axis of any WEFT and a property line.

ii. Solar Energy Systems

All SESs must be sited so as to satisfy the following Setback Standards:

1. Type 0 SES and all roof mounted SES: Building must be in compliance with applicable district standards as determined by the Town of Troy Land Use Ordinance.
2. Ground Mounted Type 1 SES: 15 feet from property lines.
3. Ground Mounted Type 2 SES: 0.5 miles from property lines.
4. Ground Mounted Type 3 SES: 0.5 miles from property lines.

5. All setback distance measurements shall be based on the shortest horizontal distance from the SES to the property line.

iii. Electric Transmission Facilities & Corridors

All ETFCs must be sited so as to satisfy the following Setback Standards:

1. No ETFC shall be less than 0.5 miles from any occupied structure, except that, in situations where the proposed ETFC cannot meet the setback requirement, the ETFC may be buried underground with Troy Planning Board approval. 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.

2. ETFCs must be setback a minimum of 0.5 miles from any Scenic or Special Resource as defined in Section IX. Existing corridors are exempt from this requirement as it pertains to "special places" as defined in Troy's Comprehensive Plan.

3. All setback distance measurements shall be based on the shortest horizontal distance from the transmission line to the occupied structure or resource identified in XIII.A.iii.1 and XIII.A.iii.2.

iv. If more than one setback requirement applies, the greater setback distance shall be applicable.

v. The applicant shall compute or look up, as appropriate, and graph 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 and lot property lines.

B. ACOUSTIC STANDARDS

i. Sound levels due to the operation of any project shall not exceed 50 dBA at project property lines or 30 dBA as measured at any occupied structures in the Town of Troy.

ii. Sound measurements shall be carried out at appropriate property lines or structures as soon as possible after the Town of Troy Planning Board determines that a violation of the noise standards may have occurred.

iii. All sound measurements shall be made by a professional acoustical engineer who is a Full Member of the Institute of Noise Control Engineering (INCE) or who possesses some comparable qualification. The engineer shall be chosen by the Owner/Operator from a list provided by the Planning Board and paid by the Owner/Operator.

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

v. 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.

vi. Special WEF Consideration: The manufacturer's guaranteed maximum sound power level in dBA (Lw) that is reported must be the maximum level that the WEFT produces over its entire operational range at all wind speeds and this figure must be verified by an independent certified testing laboratory.

vii. For Large Scale Projects an Independent Pre-licensing Sound Study must be completed. An Application for a Large-Scale Project shall include a four-season sound study. This study shall be conducted by a professional acoustical engineer who is a Full Member of

the Institute of Noise Control Engineering (INCE) or who possesses some comparable qualification. The engineer shall be chosen by the Owner/Operator from a list provided by the Planning Board and paid by the Owner/Operator. This study shall provide the town with expected sound levels to be generated by the proposed project. The Applicant shall provide financial surety that the cost of the study, and its review, will be borne by the Applicant, in accordance with Section XV of this Ordinance.

C. FIRE PREVENTION

i. An Application for a permit to construct a Large-Scale Project shall include a Fire Prevention and Fire Fighting Plan that has been approved by the provider of fire protection services to the Town of Troy. The plan shall identify a response plan to address all potential Large Scale Project fire scenarios and include a list of hazardous materials that may be encountered.

ii. The Owner/Operator of a Large-Scale Project shall ensure that the project complies with the following fire control and prevention measures and assumes responsibility for all associated incremental costs:

1. Use of fireproof or fire-resistant building materials and buffers as required by state law or the provider of fire protection services to the Town of Troy.

2. Maintenance of firebreak areas, cleared of vegetation, as required by state law or the provider of fire protection services to the Town of Troy.

3. Provision for any additional firefighting or rescue personnel, services, training, materials, and vehicles as may be required to deal with any emergency related to the WEF, SES, or ETFC that is beyond the current capabilities of the provider of fire protection services to the Town of Troy.
4. Special WEF Consideration: The incorporation of a self-contained fire protection system in the WEF turbine nacelle is mandatory.

D. LARGE SCALE PROJECT STRAY VOLTAGE ASSESSMENT & REQUIREMENTS

i. An Application for Large Scale Project Permit shall include reports of stray voltage analysis in accordance with this section. The Applicant shall conduct and include a report of a pre-construction stray voltage test on all Occupied Structures located within a 0.5-mile radius of the Project Parcels. The tests shall be performed by a Planning Board approved investigator, using a testing protocol which is also approved by the Planning Board. A report of the tests shall be provided with the Permit Application and shall be provided to the owners of all property included in the study area. The Applicant shall seek written permission from property owners prior to conducting testing on such owners' property. The Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing.

ii. Following construction of the Large-Scale Project, and within one year after commencing operation, the Applicant shall conduct a post construction stray voltage test on all Occupied Structures located within a 0.5-mile radius of the Project Parcels. The tests shall be performed by an investigator approved by the Planning Board and shall be performed using a testing protocol which is approved by the Planning Board. A report of the tests shall be provided to the Planning Board and to the owners of all property included in the study area. Applicant shall seek written permission from property owners prior to conducting testing on private property. Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing.

iii. The Applicant or subsequent holder of the Operational License shall provide neutral isolation devices to property owners where testing reveals neutral-to- earth voltages in excess of 0.5 volts caused by the project.

E. EMERGENCY SHUTDOWN PLAN & REQUIREMENTS

An Application for Large Scale Project shall include an emergency shutdown plan. The plan shall include a copy of the project summary, electrical schematic, and site plan and describe the circumstances under which an emergency shutdown may be required to protect public safety. The plan shall also describe the procedures that the Town of Troy and the Owner/Operator and Licensee will follow in the event an emergency shutdown is required. This plan will include immediate notification of any emergency shutdown to the Troy town office.

F. ROAD & PROPERTY RISK ASSESSMENT

i. An application for a permit to construct a Large-Scale Project shall include a Road and Property Risk Assessment that has been approved by the Town of Troy Road Commissioner and includes the following and meets the following requirements:

1. A description and map of all public and private rights of way and easements, and other property, in the Town to be used or affected in connection with the construction of the project, including a description of how and when such ways and property will be used or affected.

2. A description of the type and length of vehicles and type, weight and length of loads to be used on all public ways in the Town.

3. A complete assessment of the proposed use of public ways in the Town in connection with the construction of the project, including the adequacy of need to remove or modify (permanently or temporarily) signs, trees, utilities, or anything else; any reasonably foreseeable damage to public ways or other

property, public or private; any reasonably foreseeable costs that the Town may incur in connection with the use of property in the Town, including but not limited to costs relating to traffic control, public safety, or damage to public ways, or to other public or private property.

4. A traffic control and safety plan relating to the use of public ways in the Town in connection with the construction of the project.

5. The project shall not cause any disruption to the flow of traffic in the town. No existing public road, private road, right of way, or recreational trail shall be obstructed by the construction of said project. Access over, under, or through the project must be provided and constructed for all routes described and shall be similar in nature and size as the original traveled surface, along with legal rights granted to parties of interests that use said way.

6. Any additional relevant information that the Planning Board may request relating to the use of public ways or other effects on public and private property that may occur in connection with the construction and operation of the project.

ii. The Town of Troy Planning Board shall require changes to the Road and Property Risk Assessment plan that it deems appropriate to protect public safety, to protect public and private property, and to address anticipated costs to the town.
iii. A qualified third-party engineer, chosen by the Applicant from a list provided by the Planning Board and paid by the Applicant, shall document road conditions prior to the construction of the Large Scale Project 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.
iv. The Town of Troy may bond the roads in compliance with state regulations, and the bond is to be paid by the applicant prior to the transport of project components.
v. If the Applicant requires the temporary closure of any public way, the Planning Board may require the Applicant to enter into an agreement relating to the use of the public way.
vi. Access roads and drives shall be maintained to allow for maintenance and emergency management vehicles.
vii. Special SES Considerations:

1. All ground mounted SESs shall be completely enclosed by chain link fencing that consists of a minimum eight (8) foot high fence with a locking gate, or as designated by the CEO.

2. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the SES informing individuals of potential voltage hazards.

G. EXTRAORDINARY EVENTS

The Owner/Operator of any WEF, SES, or ETFC shall notify the Town of Troy Planning Board of any "extraordinary event" within 12 hours after that event. Extraordinary events shall include but not be limited to tower/structure collapse, catastrophic component failure, fires, leakage of hazardous materials, unauthorized entry into a tower base, thrown blade or hub, injury caused by the WEF, SES, or ETFC, and any other event that affects the public health and safety of the town or its residents.

H. VISUAL IMPACT ASSESSMENT

A Visual Impact Assessment shall be submitted as part of the initial application for a WEF, SES, or ETFC within the Town of Troy. In determining whether or not the proposed development will have a negative effect on the scenic character and/or a negative aesthetic impact on the residents, the Town of Troy shall address the question: "Would this particular project result in undue harm to valuable aesthetic resources within the town of Troy?" The Town shall weigh the following questions:

i. Is the proposed facility located within an area of obvious scenic significance?

ii. Would the facility significantly degrade views or scenic resources of Troy, e.g., views from the Appalachian Trail ?

iii. Is the facility in a landscape area that is visually distinct for the Town?

iv. Is the facility unreasonably close to residences that would be affected as a result of noise, shadow flicker, glare or by being completely surrounded by wind turbines, solar panels, or transmission towers and lines?

v. Will the facility occupy an area valued for its open fields, town forests, agricultural land, undeveloped land, and historic sites ?

vi. Would the facility's scale in terms of height or numbers of turbines/panels/towers overwhelm the landscape in which it is built?

XIV. ENVIRONMENTAL STANDARDS

A. SITE LOCATION & CONSTRUCTION

The siting and construction of all WEFs, SESs, and ETFCs shall meet all the applicable standards and ordinances of the Town of Troy, State of Maine Site Location of Development Laws and Regulations, and be consistent with the Town of Troy Comprehensive Plan.

B. DEPARTMENT OF ENVIRONMENTAL PROTECTION

i. A Department of Environmental Protection Site Location of Development permit shall be obtained and submitted with an application.

ii. Classification attainment evaluation of effected waters in Troy shall be conducted using DEP approved methods and requirements to determine water quality compliance. Study plans shall be submitted with an application.

iii. Additional studies shall be conducted when necessary, using approved methods.

C. ENVIRONMENTALLY SENSITIVE AREAS

The design, construction, and maintenance of a WEF, SES, or ETFC shall protect all environmentally sensitive areas. Such areas shall include but not limited to wetlands, vernal pools, seeps or springs, steep slopes (equal to or greater than 15%), surface waters and their watersheds, 100-year flood plains, significant habitat for wildlife, fish, and plants as defined by The Maine Department of Inland Fisheries and Wildlife and The Maine beginning with the Habitat Program. An application for a Large-Scale Project permit shall demonstrate appropriate measures for protecting all such areas during both construction and operation of the project.

D. WILDLIFE PROTECTION

The application for a Large-Scale Project shall include a Wildlife Protection Plan based on preconstruction field studies designed and carried out by a qualified wildlife biologist chosen by the Applicant from a list provided and contracted by the Planning Board and paid by the applicant. Such studies shall describe the possible adverse effects of the project on birds, bats, animals and their habitats, and shall propose remedies for these effects.

E. POST CONSTRUCTION WILDLIFE PROTECTION FIELD STUDIES

Within three years after completion of construction of a Large Scale Project, studies to ascertain its actual effect on wildlife shall be designed and carried out by a qualified wildlife biologist provided by Inland Fisheries and Wildlife and contracted by the planning board and paid for by the applicant. If these studies demonstrate undue adverse effects on wildlife caused by the project, the Owner/Operator in consultation with the Maine Department of Inland Fisheries and Wildlife (MDIFW) shall design and implement an appropriate mitigation plan. The plan shall be submitted to the Town of Troy for approval. The Owner/Operator shall be responsible for the full cost of carrying out the plan under the supervision of the MDIFW.

F. EROSION CONTROL

Large Scale Projects shall be designed, constructed, and maintained in accordance with accepted erosion and sediment control methods as set out in the Maine Erosion Control Handbook for Construction; The Best Management Practices, dated (2016).

G. WATER QUALITY PROTECTION

Large Scale Projects shall be designed, constructed, and maintained so as to avoid undue adverse impacts to groundwater, including sand and gravel aquifers, and surface waters. The

Planning Board *shall* require as a condition of issuing a permit for a Large-Scale Project that a pre-construction baseline study of all wells, springs, public water sources, and surface waters within the watershed of the project site be conducted. The study or studies shall be designed and carried out by a water quality professional chosen by the Applicant from a list provided by the DEP and contracted by the planning board and paid by the Applicant and all studies shall use DEP approved methods.

H. POST CONSTRUCTION GROUNDWATER QUALITY STUDAY

Within two years after completion of construction of a Large Scale Project for which the Town of Troy has required a pre-construction baseline Water Quality Study as described in Section XIV.G of this Ordinance, a Post Construction Water Quality study of all wells, springs, and public water sources, and surface waters within the watershed of the project site shall be designed and carried out by a water quality professional chosen by the Applicant from a list provided by the DEP and paid for by the Owner/Operator, and be submitted to the Town of Troy for approval. If degradation, a violation of water quality standards or contamination is found to have occurred, fines and/or permanent remedies as required by the Town of Troy, or the State of Maine shall be the responsibility of the Owner/Operator.

I. HAZARDOUS WASTES

The Owner/Operator shall be responsible for compliance with all state and federal regulations applicable to the use and disposal of hazardous wastes involved in or generated by the project'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.

J. BLASTING

Owner/Operator of a WEF, SES, or ETFC shall not undertake any blasting without notifying the Town of Troy and submitting a blasting plan in accordance with the latest DEP Standards. The blasting plan shall be reviewed and approved by the Troy Planning Board before any blasting takes place. Forty-eight-hour notice shall be given to all residents within a two mile radius of the blasting area (measured horizontally) before blasting can begin.

K. LIGHT POLLUTION

All WEFs, SESs, and ETFCs shall be designed and sited to minimize nighttime light pollution and shall not exceed the minimal requirements by the Federal Aviation Authority when applicable. Red lights shall be used instead of white if possible and shall be shielded to the greatest extent possible from viewers on the ground. Lighting of facilities and grounds shall be limited to that which is required for safety and operational purposes and shall be shielded from interference with abutting properties. An applicant shall provide a plan showing all lighting on and around the project.

L. RADAR INTERFERENCE

WEF, SES, OR ETFC applicants shall contact the FAA and The Department of Defense to obtain written approval that all proposed project structures and associated facilities are approved by them under all operating conditions.

M. EARTH DISTURBANCES

If a project is removed, any earth disturbance must be graded and re-seeded.

XV. FINANCIAL STANDARDS

A. An applicant for a Large Scale Project shall provide evidence satisfactory to the Town of Troy that the project is financially viable. Evidence of financial viability shall include the following:

i. A budget for the construction of the project;
ii. Proof of adequate financing for all aspects of the construction;
iii. Proof of adequate financing for operations and maintenance including salaries over the lifetime of the project;
iv. Proof of the applicant's technical ability to implement the project as proposed;
v. Proof of long-term power purchase contracts if 25% or more of the WEF or SES output is intended for sale;
vi. Proof of adequate funds for Decommissioning as specified in Section XVI of this Ordinance

B. The Owner/Operator of a Large Scale Project shall maintain a current general liability policy for the project covering bodily injury and property damage commensurate with the scope and scale of the project. Proof of current insurance must be presented to the Town of Troy with the application for a permit and every year thereafter on the date of the insurance's annual renewal.

C. Any promises of any benefits to be conferred upon the Town of Troy by the applicant shall be documented and submitted with the Final Application. These benefits shall become a legally enforceable provision of the permit.

D. In reviewing an application and/or ongoing project operations for compliance with this Ordinance, the Town of Troy and/or Troy CEO may, at their discretion, retain professional services as necessary to assist with its review, including but not limited to those of an attorney, engineer, biologist, or land use planner. If the Town of Troy deems that such services are indeed necessary – then they shall inform the applicant who will then have fourteen (14) days to deposit in a joint escrow account with the Town, the sum of $50,000 as partial payment towards such expenses

E. If such a fund is established and the balance of the fund falls below $25,000, the Applicant, upon notice shall submit an additional $25,000 to replenish the fund. If, at any time after such notification, the balance of this fund stays below $25,000 for a period of 30 days (or any time the level of funds is insufficient to complete reviews that are required), the Application or Operational License shall be considered to have been withdrawn. The balance of the escrow account shall be returned to the Owner/Operator after all expenses have been paid. If any delay in replenishing the fund generates a delay in reviewing the application or operations, then the deadline for completing the review is extended accordingly.

XVI. DECOMMISSIONING STANDARDS

A. The Owner/Operator of a Large Scale Project shall, at his/her expense, be responsible for complete decommissioning of the project and site restoration within twelve months after it ceases to generate electricity, or after its operational license has been revoked. Abandonment will be grounds for immediate revocation of license.

B. Decommissioning shall include removal and disposal outside the Town of Troy of all parts of the project (including foundations) in accordance with local, state and federal laws and regulations. Areas of disturbed earth shall be graded, seeded, or otherwise re-vegetated following guidelines provided by the CEO.

C. A Professional Engineer shall be chosen by the Applicant from a list provided and contracted by the Planning Board and paid by the Applicant to estimate the total cost of decommissioning without consideration of the salvage value of the equipment. No permit for a Large-Scale Project shall be issued until decommissioning funds have been posted by the Applicant with a bonding company or a federal or state-chartered lending institution (the Escrow Agent) authorized to conduct such business in the State of Maine and approved by the Town of Troy Planning Board and Board of Selectmen.

D. Estimates, as described above, shall be redone annually on the anniversary of the granting of a project permit and the Owner/Operator of the project shall be required to maintain Decommissioning Funds that are at least equal to the most recent estimate.

E. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit or other form of financial assurance acceptable to the Town of Troy Planning Board and Troy Board of Selectmen.

F. If the Owner/Operator of the project does not complete decommissioning within the time prescribed in this Ordinance, the Town of Troy may take such action as necessary (including court action) to secure the posted decommissioning funds and to ensure completion of the decommissioning.

G. The Escrow Agent shall not release the decommissioning funds except upon written approval of the Town of Troy Planning Board and Board of Selectmen.

XVII. PERMIT & LICENSE REQUIREMENTS & STANDARDS

A. THE PRELIMINARY APPLICATION FOR A WEF, SES, OR ETFC CONSTRUCTION PERMIT

i. A Preliminary Application for a Permit to Construct a Type 0, Type 1, and Type 2 WEF or SES shall include at least five hard copies. A Large-Scale Project shall include at least ten hard copies. Large Scale Project applications shall also include an electronic copy of the complete application on a flash drive.

ii. The Preliminary Application shall include the following items:

1. Applicant and property owner's name, address, and contact information;

2. Nameplate data for the type of WEF turbine(s) to be used including manufacturer, model, rated power output and maximum sound power level and/ or data for the type of SES solar collector(s) to be used including manufacturer, model, and rated power output.

3. Visual Impact Component: This information, which includes the following, will form the basis for all aesthetic review by the Board:

a. Detailed Characteristics of the proposed project (e.g. tower height, rotor diameter, color, rated noise levels, the number of panels/towers/turbines planned to be erected and their actual locations;

b. Complete description of structures;

c. Roads;

d. Collector, distribution and transmission lines;

e. Temporary or permanent storage areas;

f. Substations;

g. Any other structures associated with the project;

h. Identification of site clearings, including clearing for arrays, turbines, roads, power lines, substations;

i. Description and location of all site regrading that will be engineered, including the amount of cut and fill, locations, and clearing required;

j. Simulated photos and video of the proposed facility which illustrates items a-i above;

k. This information forms the basis for all aesthetic reviews by the Board.

l. Visual Impact Components for a Large Scale Project must also include:

i. Viewshed analysis map showing all areas of Troy, superimposed over the Troy Property Map, from which any part of the proposed facility would potentially be visible. This shall be a computer-generated map based on digital elevation models which illustrate where the apex of any/all towers and all aspects of the facility sited in Section XVII.A.ii.3.a above could potentially be visible from all year-round and seasonal residences within the boundaries of the Town. When complex topography makes it difficult to determine whether a particular object will be visible from a particular point, a line-of -sight analysis shall be submitted.

ii. Virtual Simulations of how the facility will appear from each Troy residence designated in Section XVII.A.ii.3.l.i above shall be prepared using photographic simulations or photomontages based on still photographs taken from each of the above-named locations. Photographs shall be taken with a 50-mm lens or digital equivalent that creates a 38.6 degree angle of view. Global positioning system (GPA) location points of all sites named above shall be recorded for each simulation.

The accuracy of these simulations shall be verified by an expert in the field of digital images. This expert shall be commissioned by the Planning Board and paid for by the applicant.

iii. Using a DEM (digital-elevation model), create accurate digital images of the facility from each of the GPS coordinates representing each identified location. Exact turbine locations as well as roads, meteorological towers, electric transmission towers, and other project infrastructure will be inserted into the model. Images of the structures and ancillary projects shall be created on the DEM using a program such as Visual Nature Studio and merged with a photograph using a digital photo-editing program. The relationship between the size of the each photograph and the distance of the observer shall be such that a realistic image is created. The formula for determining the correct size of the image in relation to the distance viewed is: Distance from viewer=Width of image/(2 * tan(hFoV/2)

iv. Field Assessment and Inventory of Views. A field inventory of views from all designated residences shall be presented. In addition to photographically documenting and mapping viewing locations named above, the following information shall be recorded; distance from project, duration of view, angle of view, scenic quality of view, focal point of view of the project, characteristics of the view (intermittent, panoramic, and foreground, middle ground, and background elements in the view.) The documents outlined in Section XVII.A.ii.3 shall be presented to the residents of Troy at a public hearing for their review and input to the Town of Troy.

4. Large Scale Project Preliminary Applications shall also include the following:

a. Evidence of the Applicant's right, title, or interest in the land on which the project is proposed to be sited.

b. If the applicant is not the underlying fee owner of the land, a signed statement by the underlying landowner(s) in recordable form acknowledging that the landowner(s) will be financially responsible if the Owner/Operator fails to reclaim the site as required, and that any removal and reclamation costs incurred by the Town of Troy shall become a lien on the real estate and other property and may be collected from the landowner(s) in the same manner as property taxes.

c. An application for a permit for a Large Scale Project 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 Troy due to the LSP. The Statement shall be signed and approved by the Maine 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 LSP.

d. A Detailed Site Plan that shall include:

i. Total acreage occupied by the facility;

ii. A detailed map of the area showing parcel boundaries and individual component locations and their distances to boundaries and existing structures;

iii. The location of existing and proposed transmission lines, substations, driveways, access, and maintenance roads. All proposed electric transmission and distribution lines shall be shown;

iv. The location of wells abandoned and active, within a half mile radius of project boundary;

v. Engineering or architectural drawings of all planned structures, including structures for support and maintenance of the project;

vi. Description of intended use, including energy storage and grid connections, and the percentage (if any) of generation intended for sale or use by entities or persons other than the applicant;

vii. Engineering drawings and/or electrical schematics of any energy storage equipment or facilities;

viii. Calculations and supporting data for all setback requirements (as specified in Table 1 of this Ordinance);

ix. Overlay of Town of Troy property maps showing the setback area and all property lines and rights of way affected by the setback requirements;

x. List of property owners whose property, wholly or in part, lies within the setback areas;

xi. Visual Impact Assessment as specified in Section XIII.H;

xii. The applicant shall pay (in advance if required by the Town of Troy Planning Board) for the services of all consultants that the Troy Planning Board deems necessary to evaluate the application. Such consultants shall be chosen by the Troy Planning Board. Failure of the Applicant to make such payment renders the Application void.

xiii. Fire Prevention and Fire Fighting Plan as specified in Section XIII.C of this Ordinance;

xiv. Road and Property Risk Assessment as specified in Section XIII.F of this Ordinance;

xv. Plan to protect Environmentally Sensitive Areas, as specified in Section XIV.C of this Ordinance;

xvi. Wildlife Protection Plan as specified in Section XIV.D of this Ordinance; 32

xvii. Baseline Water Quality Study (if required) as specified in Section XIV.G of this

Ordinance;

xviii. Plan for the handling and disposal of Hazardous Wastes as specified in Section XIV.I of this Ordinance;

xix. Plan to minimize Light Pollution as specified in Section XIV.K of this Ordinance.

xx. Blasting Plan as specified in Section XIV.J of this Ordinance.

xxi. A WEF Site Plan must also include:

1. The location of meteorological or wind testing towers;

2. Engineering drawing of the type of WEF turbine to be used;

3. Certification of the non-reflecting properties of the WEF turbine's external surfaces;

4. Engineering drawing of the tower base for the type of WEF turbine to be used;

5. Calculations and supporting data for all setback requirements (as specified in Table 1 of this Ordinance). For Type 3 WEFs, setback requirements must be calculated for each WEF turbine.

6. Shadow-Flicker Hazard Report as specified in Table 1 (Appendix) and Section X.M of this Ordinance.

xxii. A SES Site Plan must also include:

1. A storm water management plan, certified by a licensed engineer that demonstrates storm water from the Type 3 SES will infiltrate into the ground beneath the SES at a rate equal to that of the infiltration rate prior to the placement of the system;

2. Engineering drawing of the type of SES solar collector to be used

5. Application Fee: See Fees Document Section XXV.A (Appendix).

iii. Within 60 days (for Type 0, 1 or 2 WEF or SES) or within 120 days (for Large Scale Projects) of the Town of Troy's Planning Board's receiving a Preliminary project Application, the Planning Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate, notify the applicant in writing that the application is complete or, if the application is incomplete, shall inform the applicant of the specific additional material needed to complete the application. The Town of Troy Planning Board may extend the amount of time for reviewing the Preliminary Application if resources do not allow for a proper review in the allotted time.

iv. For Large Scale Project Applications, the Town of Troy Planning Board shall hold a public hearing within 60 days of the date of determination of a completed preliminary application. The Planning Board shall publish the time, date, and place of the hearing in at least three public locations. All landowners within 2 miles of a Large-Scale Project shall be notified by the Planning Board of the hearing. All landowners within 2 miles of any Large Scale Project shall be notified by the Applicant via Certified Mail return receipt requested of the hearing. Public hearings by the Planning Board shall be

conducted according to the procedures outlined in title 30-A M.R.S.A. Section 2691, Subsection 3 (A), (B), (C), (D), and (E).

v. After the Troy Planning Board determines that a Preliminary project Application is complete, the Planning Board shall determine whether the Preliminary Application meets all requirements of this Ordinance. In determining whether the Application meets the requirements of this Ordinance, the Planning Board may obtain assistance from such staff and consultants as it deems appropriate which will be paid for by the applicant.

vi. Within 45 days (for a Type 0, 1 or 2 WEF or SES) or within 90 days (for Large Scale Project) of determining the Preliminary Application is complete, the Town of Troy Planning Board shall approve the Preliminary Application, approve the Preliminary Application with conditions, or disapprove the Preliminary Application. The time limit for review may be extended by mutual agreement between the Planning Board and the Applicant.

vii. The Town of Troy Planning Board shall make findings of fact and conclusions relative to the standards contained in this Ordinance. If the Planning Board finds that all standards have been met, they shall approve the Preliminary Application. If the Troy Planning Board finds that any of the standards of this Ordinance have not been met, the Planning Board shall either deny the Preliminary Application or approve the Preliminary Application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be stated in the findings of facts and conclusions

B. METEOROLOGICAL TOWERS (MT) PERMIT

i. The application for a permit for an MT shall be submitted in at least ten hard copies and one electronic copy on a flash drive to the Town of Troy Planning Board and shall include the following:

1. Applicant and property owner name, address, and contact information;
2. Proposed location of the MT and including lot designation;
3. Intended period of data collection and date MT will be removed;
4. Engineering drawing of proposed tower structure and instrument package;
5. Engineering drawing of proposed tower base;
6. Engineering drawing of tower location showing property lines and setback
requirements (as specified in Section XXV.B);
7. Any building, use or construction permits required by other

authorities because of the size or construction of the tower;
8. Description of intention;
9. Decommissioning Bond for MT;
10. A legally enforceable agreement that the applicant shall pay (in advance if required by the Town of Troy Planning Board) for the services of all consultants that the Planning Board deems necessary to evaluate the Application.
11. Application Fee: See Fees Document Section XXV.A (Appendix)

ii. Within 90 days of the Town of Troy Planning Board's receiving an application the Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate, notify the applicant in writing that the MT application is complete or, if the application is incomplete, shall inform the applicant of the specific additional material needed to complete the application.

iii. Within 45 days of determining the MT application is complete, the Troy Planning Board shall approve the MT Application, approve the MT Application with conditions, or disapprove the MT Application. The time limit for review may be extended by mutual agreement between the Planning Board and the Applicant.

C. FINAL APPLICATION FOR A WEF, SES OR ETFC CONSTRUCTION PERMIT

i. Upon approval of the Preliminary Application, a Final Application shall be prepared and submitted in at least five hard copies for Type 0, Type 1 and Type 2 WEFs and SESs. All Large Scale Project Final Applications shall include at least ten hard copies. Large Scale Project applications shall also include an electronic copy of the complete application on a flash drive. Approval of the Final Application shall constitute a Permit to construct the project.

ii. The Final Application shall include the following items:

1. Updates to information provided in the preliminary application, including additions, corrections, and any other changes.

2. For Large Scale Project Applications only:

a. Results of any meteorological testing.

b. Any building use or construction permits required by other authorities due to the scope of the intended project.

c. Public Utility Grid Impact Statement as specified in Section XVII.A.ii.4.c of this Ordinance;

d. financial analysis for Large Scale Projects, including evidence of financial capacity to carry out the project, as specified in Section XV.A of this Ordinance.

e. Proof of general liability insurance as specified in Section XV.B of this Ordinance;

f. Decommissioning bond for Large Scale Projects as specified in Section XVI of this Ordinance;

g. Statement of Benefits promised to the Town of Troy

h. The applicant shall pay (in advance if required by the Town of Troy Planning Board) for the services of all consultants that the Planning Board deems necessary to evaluate the application. Such consultants shall be chosen by the Troy Planning Board. Failure of the Applicant to make such payment renders the Application void.

i. Posting of the estimated total cost of Decommissioning Funds as specified in Section XVI

3. Fees: See Fees Document Section XXV.A

iii. Within 45 days (for Type 0, 1 or 2 WEF or SES) or 120 days (for a Large Scale Project) of the Troy Planning Board's receiving a Final Application, the Planning Board shall, with assistance from such staff, consultants, committees, or commissions as it deems appropriate, notify the applicant in writing that the application is complete or, if the application is incomplete, shall inform the applicant of the specific additional material needed to complete the application. The Troy Planning Board may extend the amount

of time for reviewing the Final Application if resources do not allow for a proper review in the allotted time.

iv. The Troy Planning Board shall hold a public hearing within 60 days of the date of determination of a complete Final Application for a Large Scale Project. The Troy Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. All landowners within 2 miles of a project shall be notified by the Applicant via Certified Mail return receipt requested of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30- A M.R.S.A. Section 2691, Subsection 3 (A), (B), (C), (D), and (E).

v. After the Planning Board determines that a Final Application is complete, the Planning Board shall determine whether the Application meets all requirements of this Ordinance. In determining whether the Final Application meets the requirements of this Ordinance, the Planning Board may obtain assistance from such staff and consultants as it deems appropriate.

vi. Within 45 days (for a Type 0, 1 or 2 WEF or SES) or within 90 days (for a Large Scale Project) of determining the Final Application is complete, the Planning Board shall approve the Final Application, approve the Final Application with conditions, or disapprove the Final Application. The time limit for review may be extended by mutual agreement between the Planning Board and the Applicant. The Planning Board may extend the amount of time for approving the Final Application if resources do not allow for a proper review in the allotted time.

vii. The Planning Board shall make findings of fact and conclusions relative to the standards contained in this Ordinance. If the Planning Board finds that all standards have been met, they shall approve the Final Application. If the Planning Board finds that any of the standards of this Ordinance have not been met, the Planning Board shall either deny the Final Application or approve the Final Application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be slated in the findings of facts and conclusions.

viii. Initiation of Activity Within two Years. If construction or operation of the activity is not begun within 1 year, this permit shall lapse, and the

applicant shall reapply to the board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within one years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.

D. OPERATIONAL LICENSE REQUIREMENTS AND STANDARDS

i. Type 0, 1, 2 WEF and Type 0, 1, 2 SES

1. An Operational License is required for the operation of any Type 0, 1, and 2 WEF/SES built in the Town of Troy after the effective date of this Ordinance.

2. The application for an Operational License shall include a signed statement that the Applicant has read this Ordinance, understands all its provisions, and agrees to abide by them.

3. An Operational License shall be valid so long as the original applicant remains the Owner/Operator.

4. An Operational License shall automatically terminate upon transfer of ownership of the WEF/SES. The new Owner/Operator shall apply for a new Operational License and shall not operate the WEF/SES until the new License has been issued.

5. An Operational License shall be revoked, and the WEF/SES required to cease operations if the Town of Troy Planning Board determines that the WEF/SES is violating any of the standards and requirements of this Ordinance. The Operational License shall not be reinstated until the Planning Board is satisfied that all violations have ceased and all problems have been corrected.

6. Fee: See Fees Document (Appendix).

ii. Large Scale Projects.

1. An Operational License is required for the operation of any Large Scale Project built in the Town of Troy after the effective date of this

Ordinance.

2. An application for an Operational License shall be submitted in ten hard copies and one electronic copy on a flash drive to the Town of Troy Planning Board after the project has been fully built.

3. The application for an original Operational License shall include the following items:

a. The Applicant's name, address and phone number, and the name, address and phone number of the Owner/Operator, if different;
b. An emergency directory for the Owner/Operator sufficient to allow the Town to contact the Owner/Operator at any time;
c. An Inspection Report certifying the structural and operational integrity of the project. This Report shall be signed by a Maine licensed professional engineer chosen by the Town of Troy Planning Board and paid by the Owner/Operator of the project.
d. A signed statement that the Applicant has read this Ordinance, understands all its provisions, and agrees to abide by them.
e. Fee: See Fees Document Section XXV.A (Appendix).

4. An Operational License shall be valid for one year and can be renewed by submission of a new Inspection Report and Fee as specified in Section XVII.D.ii.3.c and XXV.A of this Ordinance at least thirty days before expiration of the License.

5. An Operational License shall be revoked, and the project required to cease operations if the Town of Troy Planning Board determines that the project is violating any of the standards and requirements of this Ordinance. The Operational License shall not be reinstated until the Planning Board is satisfied that all violations have ceased, and all problems have been corrected.

6. An Operational License shall automatically terminate upon transfer of ownership of the project. The new Owner/Operator shall apply for a new Operational License and shall not operate the project until the new License has been issued.

7. The Application for an Operational License by a new Owner/Operator Shall contain the following items:

a. Copies of the original Permit Applications, updated as necessary, and signed by the new Applicant;
b. A copy of the original Operational License Application, updated as necessary, and signed by the new Applicant;
c. A statement, signed by the new Applicant, that he/she has read this Ordinance, understands it, and will abide by all of its provisions.

d. Fee: See Fees Document (Appendix).

8. A new Applicant for an Operational License for a Large Scale Project shall provide evidence satisfactory to the Town of Troy Planning Board that the project remains financially viable. Evidence of financial viability shall include the following:

a. Proof of long-term power purchase contracts

b. Proof of ongoing subsidies from all sources

c. Proof of adequate funds for Decommissioning as specified in Section XVI of this Ordinance.

iii. Within 45 days of the Troy Planning Board receiving an Application for an Operational License, the Planning Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate, notify the applicant in writing that the application is complete or if the application is incomplete, shall inform the applicant of the specific additional material needed to complete the application. The Troy Planning Board may extend the amount of time for reviewing the Application if resources do not allow for a proper review in the allotted time. Type 0, 1, and 2 WEF and SES Operational License Applications will be approved at this time if the application is deemed complete.

iv. Within 90 days of the determining that a Large-Scale Project Operational License Application is complete, the Troy Planning Board shall determine Whether the Application meets the requirements for an Operational License. In determining whether the Application meets the requirements of this Ordinance, the Planning Board may obtain assistance from such staff and consultants as it deems appropriate. The Planning Board may extend the

amount of time for reviewing the Preliminary Application if resources do not allow for a proper review in the allotted time.

v. The Troy Planning Board shall make findings of fact and conclusions relative to the standards contained in this Ordinance. If the Planning Board finds that all standards have been met, they shall approve a Large Scale Project application. If the Planning Board finds that any of the standards of this Ordinance have not been met, the Planning Board shall either deny the Application or approve the Application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be stated in the findings of facts and conclusions.

E. EXPIRATION OF LARGE SCALE PROJECT PERMIT APPROVAL AND OPERATIONAL LICENSE

i. If on-site construction of a Large Scale Project is not significantly commenced within one year of the date of issue of a Site Permit, the Site Permit shall automatically lapse and become null and void. If an approved Large Scale Project is not completed within 30 months after a Site Permit is issued, then the Site Permit shall expire, and the Applicant must reapply. The Planning Board may, for good cause shown, grant a one-time extension of up to six months for either start of construction or completion of construction provided such request is submitted prior to the lapse or expiration of the Site Permit.

ii. A Large Scale Project Operational License shall be deemed abandoned if its operation has ceased for twelve consecutive months. An Operational License expires immediately upon abandonment.

iii. A Large Scale Project Operational License shall automatically terminate upon transfer of ownership or operation of the project. The proposed new owner or operator shall be required to obtain a new Operational License, which must be in place prior to the transfer of ownership or operation of the project.

iv. A Large Scale Project Operational License shall automatically terminate upon any amendment to a Site Permit other than a minor change approved by the Planning Board in accordance with Section XVIII.B.

XVIII. INSPECTIONS OF LARGE SCALE PROJECTS

A. All Large Scale Projects, including their infrastructure, shall be inspected after construction is completed but before becoming operational, and every year thereafter (in accordance with Operational License renewal), for structural and operational integrity by a Maine licensed professional engineer hired by the Town of Troy with the expenses paid by the Owner/Operator. If the report from said engineer recommends that repairs or maintenance are to be conducted, then the Owner/Operator and/or Licensee shall provide the Planning Board with a written schedule for the repairs or maintenance. Failure to complete the repairs or maintenance in accordance with the schedule shall be deemed a violation of this Ordinance.

B. Minor changes in approved plans necessary to address field conditions may be approved by the Planning Board, provided that any such change does not affect compliance with the Ordinance. The Permittee shall submit revised plans to the Planning Board showing the proposed minor change, which, if approved, shall be considered an amendment to an existing Site Permit and/or Operational License, as appropriate. In the event that a majority of the Planning Board believes that a requested change constitutes a material change to a Permit and/or Operational License, or if the changes will affect compliance with the Ordinance, full re-approval is required.

C. All construction activities must conform to the approved site plan, including any conditions of approval and minor changes approved by the Planning Board to address field conditions.

D. Upon completion of the project, the Permittee must provide the Troy Planning Board with a set of construction plans showing the structures and site improvements as actually constructed. These "as-built" plans must be submitted within thirty days of completion of the project, and before commencement of operation of the project. No final permits or licenses will be issued without the submittal of the as-built documents.

XIX. MAINTENANCE, AMENDMENTS, AND MISCELLANEOUS REQUIREMENTS

A. All projects shall be constructed, operated, and maintained, and repaired in accordance with the approved Permit, Operational License, and this Ordinance. Where a standard or requirement is not provided by either this Ordinance, the Permit or the Operational License, the project Permittee and Licensee shall comply with all updated applicable codes pertaining to the project, state and federal.

B. All components of the project shall conform to relevant and applicable local, state, and national codes.

C. A Permittee may apply to the Planning Board for changes to a Permit or Operational License. The Application shall describe the requested change or changes. The Planning Board shall review the Application and determine what provisions of this Ordinance will apply to the Application. The Application will then be processed in accordance with all provisions of this Ordinance deemed to be applicable by the Planning Board. The provisions of Section VII, together with all other instances where this Ordinance outlines financial obligations of the Applicant, Permittee, Owner/Operator and Licensee shall apply to any Application for changes to a Permit or Operational License. An application for changes will be required for any significant modification to the approved Permit, including, but not limited to: any change in infrastructure, utilities, roads, location, design, or specification; or any substantive change to any required plan or insurance coverage.

D. The Permittee, Owner/Operator and/or Licensee, as applicable, shall notify the Town of any extraordinary event as soon as possible, and in no case more than 12 hours after the event. "Extraordinary events" shall include but not be limited to fires, leakage of hazardous materials, unauthorized entry, any injury to a Facility worker or other person that requires emergency medical treatment, or other event that impacts the health and safety of the Town or its residents. The permittee will not hold the town of Troy liable for any liability regarding issues that arise from these extraordinary events.

E. Approval of a Permit under this Ordinance does not exempt an Applicant from obtaining other applicable permits from the Town of Troy, such as electrical, plumbing and shoreland zoning permits, as applicable, or any applicable state or federal permits.

F. The Planning Board shall hire a Project Manager to provide assistance and oversight of the application submissions, reviewing, and approval processes. The selected individual or company shall estimate the cost of such oversight outlined by the Planning Board and the applicant shall deposit with the town the full estimated cost, which the town shall place in an escrow account. The Town shall pay the individual or company from the escrow account and reimburse the applicant if funds remain after payments are completed. To be selected, the individual or company shall be fully qualified to provide the required services.

G. Should the Planning Board find there is a need for hiring an expert for advice, then the Planning Board may require the applicant to undertake any additional studies, which it deems reasonable and necessary, to ensure that the requirements of this Ordinance are met. The costs of all such studies shall be borne by the applicant.

XX. VIOLATIONS, COMPLAINTS, AND PENALTIES

A. Violations of This Ordinance. It shall be unlawful to construct or operate any WEF, SES, ETFC or part thereof in violation of any provision of this Ordinance, a Permit, or an Operational License; any violation thereof is punishable, upon conviction, in accordance with 30-A M.R.S.A. § 4452(3), and shall include attorney's fees and a penalty to address economic benefit as provided in 30-A M.R.S.A. § 4452(3)(D) and (H). All fines assessed under this Ordinance shall incur to the benefit of the Town of Troy. Each day a violation exists or continues shall constitute a separate offense.

B. Complaints and Modification, Revocation or Suspension. The Planning Board shall retain continuing jurisdiction to modify, suspend or revoke all Permit and/or Operational Licenses in accordance with this section. Such authority shall be in addition to the Town's authority to prosecute violations and take other enforcement action.

i. In this section, "violation" means a violation of this Ordinance, or a violation of a Permit issued under this Ordinance, or a violation of an Operational License.

ii. Any resident of the Town, real property taxpayer to the Town, or Town official may file a written complaint with the Town Clerk alleging that a Permittee, Owner/Operator or Licensee has committed or is committing a

violation. Such complaints shall be forwarded to the Planning Board and the Planning Board will notify, in writing, the Permittee, Owner/Operator or Licensee of the alleged violation.

iii. The Planning Board shall preliminarily review the complaint. In connection with its preliminary review, the Planning Board may require the Code Enforcement Officer or other person or persons to conduct such investigations and make such reports as the Planning Board may direct. The Planning Board may request information from the Permittee, Owner/Operator and/or Licensee, the complainant, and any other person or entity to assist with its preliminary review.

iv. Following its preliminary review, the Planning Board may:

1. Dismiss the complaint;
2. Refer the complaint to the Town attorney for prosecution; or
3. Conduct a public meeting to determine whether the alleged violation(s) have occurred, and what remedial action should be taken. Prior to such meeting, notice of the meeting shall be given to the Permittee, Owner/Operator, Licensee, as applicable, and the complainant. The Permittee, Owner/Operator, Licensee, as applicable, and the a complainant, and any other person, may appear at the meeting and may offer testimony and other relevant evidence, and may be represented by any attorney. If the Planning Board concludes that violations have occurred, the Planning Board shall:

a. Impose conditions on the Permittee, Owner/Operator and/or Licensee to the extent reasonably necessary to discontinue the violation(s) or avoid any recurrence thereof; or

b. Recommend to the Select Board that the matter be referred to the Town's attorney for prosecution seeking that the Permit

and/or Operational License be suspended until such time as the Permittee, Owner/Operator and/or Licensee presents and implements a plan, satisfactory to the Planning Board that will discontinue the violation(s) or prevent any recurrence thereof, and meets such further conditions as the Planning Board deems appropriate to discontinue and prevent further violations; or

c. Recommend to the Select Board that the matter be referred to the Town's attorney for prosecution seeking that the Permit and/or Operational License be revoked and that decommissioning of the WEF, SES, or ETFC be directed, if the Planning Board concludes that no reasonable modification can be made to the WEF, SES, or ETFC to discontinue or prevent violations; or d. Refer the matter to the Select Board and Town's attorney for prosecution, subject to Planning Board and Select Board approval; or

e. Take no action if the Planning Board concludes that no further action is needed to discontinue or prevent violations, and that prosecution is unwarranted.

v. Following any such hearing, the Planning Board's written decision shall be furnished to the Permittee, Owner/Operator and/or Licensee, as applicable, and to the complainant.

vi. An appellate appeal from the decision of the Planning Board may be taken to the Appeals Board by the Permittee, Owner/Operator or Licensee, or a complainant. Such appeal must be in writing and must specify the grounds thereof and must be filed with the Town Clerk within 30 days after the final action of the Planning Board. The Town Clerk shall provide any appeal to the Appeals Board. The Appeals Board shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof as well as due notice to the Permittee, Owner/Operator and/or Licensee, as applicable, and the complainant. The action of the Planning Board shall be sustained unless the Appeals Board, by a favorable vote of the majority of all members of the Appeals Board, reverses or modifies the Planning Board's determination.

vii. An appeal from a decision of the Board of Appeals shall be made to Superior Court in
accordance with M.R.Civ.P. 80B.

XXI. ETHICAL STANDARDS

A. All deliberations concerning the permitting and regulation of WEFs, SESs, and ETFCs shall be conducted at public meetings for which notice has been duly given.

B. Conflicts of Interest. No elected or appointed official or employee of the Town of Troy who has a financial interest in the WEF, SES, or ETFC under consideration shall be directly or indirectly involved in the permitting or other regulation of that WEF, SES, or ETFC. Financial interest includes but is not limited to the following:

i. Having right, title or interest in land on which any part of the WEF, SES, or ETFC will be constructed

ii. Having signed for the Applicant's benefit a Covenant with financial remuneration

iii. Having a financial arrangement such as employment or the promise of employment– including employment as an outside contractor–with the Applicant Serving as a paid representative of an individual or company that derives income from the development of wind power

XXII. 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.

XXIII. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Town of Troy, the more restrictive provision shall control.

XXIV. AMENDMENTS

This Ordinance may only be amended by majority vote of the legislative body. Proposed amendments may be initiated by a majority vote of the Board of Select

Persons, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election. No proposed amendments to this Ordinance shall be referred to the legislative body until the Planning Board has held a public hearing on the proposal, according to Maine law (Title 30-A M.R.S.A. Section 4352)

XXV. APPENDIX

A. Fees Document and **B.** WEF Setback Table

C. WEF Acoustic Hazard Table

XXV. Appendix.

A. Fees Document.

Type	Initial Application	Final Application	Operational
Type 0 WEF	$0	$0	$0 one time
Type 1 WEF	$50	$50	$0 one time
Type 2 WEF	$250	$250	$50 one time
Type 3 WEF	$250	$1,000	$5,000 annual
Type 0 SES	$0	$0	$0 one time
Type 1 SES	$50	$50	$0 one time
Type 2 SES	$250	$250	$50 one time
Type 3 SES	$250	$1,000	$5,000 annual
ETFC	$2,500	$1,000	$5,000 annual

B. WEF Setback Table.

SETBACK (FT)	MT	TYPE 0 WEF & TYPE 1 WEF	TYPE 2 WEF	TYPE 3 WEF
FALLING & DEBRIS HAZARD	Sf/d=Ho X 1.5 Where: Sf/d- Setback Distance Ho- Height Overall	Sf/d=Ho X 1.5 Where: Sf/d- Setback Distance Ho- Height Overall	Sf/d=Ho X 1.5 Where: Sf/d- Setback Distance Ho- Height Overall	Sf/d=Ho X 1.5 Where: Sf/d- Setback Distance Ho- Height Overall
FLICKER HAZARD	Not Applicable	Sc=(Ho / .176) x 1.5 Where: Sc- Setback Distance Ho- Height Overall Not including 120o to 240o True	Flicker Analysis Report Must not exceed limits specified in section X.M.i.	Flicker Analysis Report Must not exceed limits specified in section X.M.i.
ACOUSTIC HAZARD	Not Applicable	Ss=10^((Lw+Lu+Ls+4log(n)-.5-30)/20) Where: Ss- Setback Distance Lw- Manufacturer's Guaranteed Maximum Sound Power Level, in dBA* Lu- Uncertainty Factor = 5 Ls- Safety Factor = 2 n- No. of Turbines for one turbine 4log(n)=0	Ss=10^((Lw+Lu+Ls+4log(n)-.5-30)/20) Where: Ss- Setback Distance Lw- Manufacturer's Guaranteed Maximum Sound Power Level, in dBA* Lu- Uncertainty Factor = 5 Ls- Safety Factor = 2 n- No. of Turbines for one turbine 4log(n)=0	Ss=10^((Lw+Lu+Ls+4log(n)-.5-30)/20) Where: Ss- Setback Distance Lw- Manufacturer's Guaranteed Maximum Sound Power Level, in dBA* Lu- Uncertainty Factor = 5 Ls- Safety Factor = 2 n- No. of Turbines for one turbine 4log(n)=0

TABLE 2

Acoustic Setback Distance in Feet

Property Line Criteria, dBA:	30
Uncertainty Factor, dBA:	5
Safety Factor, dBA:	2

Manufacturer's Guaranteed Maximum Sound Power Level, dBA re 1pW	Number of Wind Turbines									
	1	2	3	4	5	6	7	8	9	10
70	211	243	263	279	292	302	312	320	328	335
71	237	272	295	313	327	339	350	359	368	376
72	266	306	331	351	367	381	393	403	413	422
73	299	343	372	394	412	427	441	452	463	473
74	335	385	417	442	462	479	494	508	520	531
75	376	432	468	496	519	538	555	570	583	596
76	422	484	525	556	582	603	622	639	654	668
77	473	544	589	624	653	677	698	717	734	750
78	531	610	661	701	732	760	783	805	824	841
79	596	684	742	786	822	852	879	903	924	944
80	668	768	833	882	922	956	986	1,013	1,037	1,059
81	750	861	934	989	1,035	1,073	1,107	1,137	1,164	1,189
82	841	967	1,048	1,110	1,161	1,204	1,242	1,275	1,306	1,334
83	944	1,084	1,176	1,246	1,303	1,351	1,393	1,431	1,465	1,496
84	1,059	1,217	1,320	1,398	1,461	1,516	1,563	1,606	1,644	1,679
85	1,189	1,365	1,481	1,568	1,640	1,701	1,754	1,801	1,844	1,884
86	1,334	1,532	1,661	1,760	1,840	1,908	1,968	2,021	2,069	2,113
87	1,496	1,719	1,864	1,974	2,064	2,141	2,208	2,268	2,322	2,371
88	1,679	1,928	2,091	2,215	2,316	2,402	2,478	2,545	2,605	2,661
89	1,884	2,164	2,347	2,485	2,599	2,695	2,780	2,855	2,923	2,985
90	2,113	2,428	2,633	2,789	2,916	3,024	3,119	3,203	3,280	3,350
91	2,371	2,724	2,954	3,129	3,272	3,393	3,500	3,594	3,680	3,758
92	2,661	3,056	3,315	3,511	3,671	3,807	3,927	4,033	4,129	4,217
93	2,985	3,429	3,719	3,939	4,119	4,272	4,406	4,525	4,633	4,732
94	3,350	3,848	4,173	4,420	4,622	4,793	4,943	5,077	5,198	5,309
95	3,758	4,317	4,682	4,959	5,186	5,378	5,547	5,697	5,832	5,957
96	4,217	4,844	5,253	5,564	5,818	6,034	6,223	6,392	6,544	6,683
97	4,732	5,435	5,894	6,243	6,528	6,771	6,983	7,172	7,343	7,499
98	5,309	6,098	6,613	7,005	7,325	7,597	7,835	8,047	8,239	8,414
99	5,957	6,842	7,420	7,860	8,219	8,524	8,791	9,029	9,244	9,441
100	6,683	7,677	8,326	8,819	9,221	9,564	9,863	10,130	10,372	10,593
101	7,499	8,614	9,342	9,895	10,347	10,731	11,067	11,368	11,637	11,885
102	8,414	9,665	10,482	11,102	11,609	12,040	12,417	12,753	13,057	13,335
103	9,441	10,844	11,760	12,457	13,025	13,509	13,932	14,309	14,650	14,962
104	10,593	12,168	13,195	13,977	14,615	15,158	15,632	16,055	16,438	16,788
105	11,885	13,652	14,806	15,682	16,398	17,007	17,540	18,014	18,444	18,836
106	13,335	15,318	16,612	17,596	18,399	19,082	19,680	20,212	20,694	21,135
107	14,962	17,187	18,639	19,743	20,644	21,411	22,081	22,679	23,219	23,714
108	16,788	19,284	20,913	22,152	23,163	24,023	24,776	25,446	26,052	26,607
109	18,836	21,637	23,465	24,855	25,989	26,954	27,798	28,551	29,231	29,854
110	21,135	24,278	26,328	27,888	29,160	30,243	31,190	32,035	32,798	33,497
111	23,714	27,240	29,541	31,290	32,719	33,934	34,996	35,943	36,800	37,584
112	26,607	30,564	33,145	35,108	36,711	38,074	39,266	40,329	41,290	42,170
113	29,854	34,293	37,190	39,392	41,190	42,720	44,057	45,250	46,329	47,315
114	33,497	38,477	41,728	44,199	46,216	47,933	49,433	50,771	51,981	53,088
115	37,584	43,172	46,819	49,592	51,855	53,781	55,465	56,966	58,324	59,566