

TOWN OF AUGUSTA ZONING ORDINANCE AS AMENDED

6.23 Other

Any other information deemed necessary by the Planning Board or the Board of Appeals in its review of the site plan.

6.30 **STANDARDS APPLICABLE TO ALL SPECIAL USES**

Prior to the approval or disapproval of an application for Special Use Permit, the Board of Appeals shall consider the public health, safety and welfare, the comfort and convenience of the town in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the intent of this ordinance and accomplish the following general standards:

- 6.31 The proposed Special Use shall have adequate access for fire and police protection.
- 6.32 No special use permit shall be granted unless it is determined by the Planning Board that the proposed use meets all of the following criteria:
- 1) The location, size and use of structure, nature and intensity of operations involved, size of site in relation to the proposed structure(s), and the location of the site with respect to roads giving access to it are such that the proposed use will be in harmony with orderly development of the district.
 - 2) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, or impair their value.
 - 3) Use of nighttime, and overcast daytime condition, stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration shall be subject to on-site field testing before the Planning Board as a prerequisite to that Board's approval as it applies to existing residential uses within 2000' of each tower for which such strobe lighting is proposed.
 - 4) No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
 - 5) No individual tower facility shall be installed in any location where

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its proximity with existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.

- 6) Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 50 dbA, measured at the boundaries of all of the closest parcels that are owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of special use permit application.
- 7) No wind turbines shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
- 8) The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
- 9) All power transmission lines from the wind generation electricity generation facilities to on-site substations shall be underground.
- 10) Procedures acceptable to the Planning Board for emergency shut-down of power generation units shall be established and posted prominently and permanently on at least one location on the road frontage of each individual unit site.
- 11) Prior to issuance of a Building Permit, the applicant shall provide the Town proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance, of a level to be determined by the Town Board in consultation with the Town's insure, to cover damage or injury which might result from the failure of a tower or towers or any other part(s) of the generation and transmission facility.
- 12) Upon discontinued use of existing structures, site is to be returned to original condition i.e. : structures , concrete, & underground cables shall be removed.
- 13) The minimum setback distance between each production line

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commercial wind power electricity generation unit (wind turbine tower) and: all surrounding property lines, overhead utility lines, any dwellings, and any other generation units, above-ground transmission facilities, and separate meteorological facilities, shall be equal to no less than 1.5 times the proposed structure height plus the rotor radius. [The property line setback requirement may be reduced by the Planning Board as an incident of special permit review when the Planning Board finds that the following circumstances apply: the property line in questions a) separates two properties that are both in the "C" District, and b) either, 1) both properties on each side of the boundary line in question will have electricity generation or transmission facilities constructed on them as part of the project under review, or 2) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement satisfactory to the Town in which the reduced setback is consented to, and construction within, and use of the easement area is appropriately restricted.]

No experimental, homebuilt, or prototype wind turbines shall be allowed without documentation by the applicant of their maximum probable blade throw distance in the event of failure and determination by the Planning Board of appropriate setback distances on the basis of that documentation.

- 14) Location, size and use of structure, nature and intensity of operations involved, size of site in relation to it, and the location of the site with respect to roads giving access to it are such that it will be in harmony with respect to roads giving access to it are such that it will be in harmony with orderly development of the town.
- 15) Location and nature of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, or impair their value.
- 16) The special use shall not conflict with any master plan, or part thereof.
- 17) Operations of any special use shall not be more objectionable to nearby properties than would be the operations of any permitted use with regard to noise, smell and obstruction of view.

