

Town of Fort Fairfield  
Wind Energy Technical Review Committee  
Council Chambers  
Monday, March 30, 2015  
6:00 P.M.

Members: Dick Langley, Todd Maynard, Tim Goff, David McCrea, Phil Christensen, Jim Everett, John Herold, Brent Churchill, Michael Bosse and Carl Young

Excused: Heather Cassidy

Also Present: Tony Levesque

Citizens: Rick Shepherd

I. Call to Order – Richard Langley, Esq. – Committee Chair

II. Review/Acceptance of Minutes of March 23, 2015.

Motion: David McCrea moved to approve Minutes of March 23, 2015 as presented.

Second: Carl Young

Vote – All affirmative

III. Old Business –

A. General Setback - (State of Maine Model Wind Ordinance Section 12)

A motion was made a couple of meetings ago regarding the setback, it then was withdrawn. It was felt that there was some confusion between the project property line and non-participating property line. One version was that the setback would be measured from the base of the turbine to the nearest non-participating property line, Carl's version was to the project boundary, which could be through a parcel but not necessarily the parcels boundary. However, the deed that they are giving the easement to is not usually split. It was asked if a larger land owner could specify only a certain portion of their property to be participant and the other portion non-participating. It was discussed that other ordinances in town refer to property lines and if we add another layer to it, it's going to be confusing.

Motion: Phil Christensen moved that the setback be defined as from the center of the turbine base to the closes non-participating property line.

Second: David McCrea

Vote – All affirmative

Discussion:

The Town of Sumner ordinance states that a “participating parcel means a parcel of real estate that is not a Project Parcel, but is subject to a Mitigation waiver”.

Question came up as to whether it is easier to measure from the center of the turbine base or from the outer edge of that base. It was stated that the measurement should be done once the stake is in the ground even before the turbines are placed.

Setback Distance-

Dick – Would really like to have a good talk about this around the table because I think it is to



able to walk under it, drive a vehicle under it. That minimum should be between 25 feet to 50 feet.

Motion: John Herold moved to set the minimum distance between the ground and all blades of a Wind Turbine shall be 50 feet as measured at the lowest arc of the blades.

Second: Carl Young

Vote – All affirmative

We should establish a sub-committee of people who have time to do a lot of the window dressing, working on the language and maybe putting together a draft ordinance together to bring back to the committee to fine tune.

Signal interference requirements-

Motion: Carl Young moved to set the signal interference requirement to state that the Wind Energy Facility shall not cause any disruption or loss of radio, telephone, television or similar signals. The Applicant shall provide a statement from the Federal Communications Commission (FCC) that the proposed Wind Energy Facility will not cause any disruption of licensed radio, television satellite, and cellular or similar signals.

Second: David McCrea

Vote – All affirmative

Discussion: In default of this requirement, what is our ability to enforce this? There will be an enforcement section later on in the ordinance. There are always security bonds, which is also another section.

B. Other – None

#### IV. New Business

##### A. Special Standards for Type 3 & 4 Wind Energy Developments (Maine Model Sec. 14)

Use of Public Roads –

Question was asked of Tony - use of public roads, pre-construction, the applicant shall demonstrate to the satisfaction of the municipal reviewing authority that it has financial resources sufficient to comply with subsection 4 and the municipal reviewing authority may require the applicant to post a bond or other security in order to ensure such compliance.

Tony's response – I think that in the application process they will need go to the public works director who is the road commissioner and tell him what size equipment they will have and what duration of the construction. Get permits for oversized loads and at that point if we have language in here that says they have to prove it. That is his jurisdiction, not code enforcement.

The Montville ordinance states that the third party engineer, hired by the planning board and paid for the applicant, shall document road conditions prior to construction.

Discussion followed regarding decommissioning as stated in the States model says, "demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the municipal

reviewing authority that upon the end of the useful life of the wind energy facility the applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value". It is going to take professional to do this and has to be paid by the applicant, we have to have a bond to protect the Town.

Motion: Phil Christensen moved use the decommissioning language found in the Montville ordinance, which is as follows:

## 22.0 Decommissioning Standards

22.1 The Owner/operator shall, at its expense, complete decommissioning of the WTG within: twelve (12) months after the end of the useful life of the WTG, or; 2) as specified in the materials provided at the time of application or; 3) pursuant to remedies described in Section

21.8 . The WTG will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

22.2 Decommissioning shall include removal of wind turbines and foundations to a depth of 36 inches. All buildings, cabling, electrical components, roads, and any other associated facilities shall be removed unless, at the end of the Wind Turbine or WTG's useful life, as determined in accordance with Section 22.1, the Applicant provides written evidence of plans for continued beneficial use of these components of the WTG, and this evidence is approved by the Planning Board.

22.3 Except as otherwise provided by Section 22.2, disturbed earth shall be graded and reseeded, unless the Participating Landowner of the affected land requests otherwise in writing.

22.4 An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning without regard to salvage value of the equipment ("Decommissioning Costs"), and the cost of decommissioning including the salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Town of Fort Fairfield after the first year of operation and every other year thereafter.

22.5 The Owner /operator shall post and maintain decommissioning funds in an amount equal to Net Decommissioning Costs; provided that at no point shall decommissioning funds be less than one hundred percent (100%) of Decommissioning Costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or State-chartered lending institution chosen by the Owner/operator and Participating Landowners posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the State and is approved by the Town of Fort Fairfield. No work can begin on the WTG before the decommissioning bond is issued and approved.

22.6 Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, or other form of financial assurance as may be acceptable to the Town of Fort Fairfield.

22.7 If the Owner/operator fails to complete decommissioning within the period prescribed by Section 22.1, then the Participating Landowner shall have an additional six (6) months to

complete decommissioning.

22.8 If neither the Owner/operator, nor the Participating Landowner completes decommissioning within the periods prescribed by Sections 22.1 and 22.7 the Wind Turbine or WTG shall be deemed to be in violation of this Ordinance and the Town of Fort Fairfield may take such measures as necessary, including court action, to ensure the completion of decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Town of Fort Fairfield shall constitute agreement and consent of the Parties to the agreement, their respective heirs, successors and assigns that the Town of Fort Fairfield may take such action as necessary to implement the decommissioning plan.

22.9 The escrow agent shall release the decommissioning funds when the Owner/operator has demonstrated and the Enforcement Authority concurs that the decommissioning has been satisfactorily completed, or upon written approval of the Town in order to implement the decommissioning plan.

Second: David McCrea

Vote – All affirmative

- B. List of topics to be Researched in Advance of next meeting - Would like to with Tim's and Becky's help begin to put a draft together.

Just a thought, would like to include not just the usual FFA required lighting but have the radar lightening system that detects oncoming aircraft than the lights turn on. That is something that can be discussed.

- C. Other – None

- V. Public Comment Period – None

- VI. Other – Dick, Phil and Carl will be meeting on Thursday, April 2<sup>nd</sup> to come up with some of the details and bring back to the group for approval.

Next meeting is April 6, 2015 at 5:30 pm – Council Chambers

Motion: Phil Christensen moved to adjourn at 8:04 PM

Second: Jim Everett

Vote – All affirmative

Respectfully submitted,

Rebecca J. Hersey  
Secretary Pro-Tem