

**Town of Ancram
Zoning Revisions Committee
23 August 2010**

Members Present: Hugh Clark, Barry Chase, Barbara Gaba, Bonnie Hundt, Don MacLean, Bob Mayhew, Jane Shannon, Dennis Sigler

Members Absent: Terry Boyles, Kyle Lougheed, Jim Miller, Bob Roche

Others Present: Donna Hoyt

The Chair called the meeting to order at 7:05 p.m.

Members approved minutes of the August 16 meeting.

The committee then reviewed changes, suggestions, and comments offered by attorney John Lyons in his August 20 email about the draft small wind power law (version 5). Consensus led to the following questions and decisions:

-re: Cmt PU1: Agreed that this law should be balanced, but cautious, containing enough to permit small scale wind power while minimizing adverse impacts. Experience will lead to additions and refinements.

-re: Cmt PU2: Inclination is to change "less than 50kW" to "30kW or less," but first need answer to question: Does 30kW meet electrical needs of most residences, small-scale businesses, and agriculture?

-re: Cmt PU3: Although the ultimate wording in a totally revised zoning law probably should include a definition of "small business," thereby limiting by definition rather than by number of turbines/towers, for this local law the committee decided to amend Section 3B to permit not more than 10% excess to be sold.

-re: Section 3E: Approved Mr. Lyons' edits.

-re: Cmt PU4: While acknowledging Mr. Lyons' concerns, retain current wording of Section 4.

-re: Cmt PU5: In the totally revised zoning law, designate hospitals, large-scale nursing homes, and similar facilities as commercial. For this local law, amend Section 5A 2 to specify that total units shall be limited to two turbines/towers.

-re: Cmt PU6: Amend Section 5A 3 to "the aggregate effect of multiple NWPF on noise, visual disruption, electromagnetic interference, stray voltage, and other adverse environmental effects meets all standards and requirements of a single unit."

-re: Cmt PU7: No change needed because, yes, for new facilities, projections will govern how many units will be allowed. See architect's estimates provision at Section 6A 3c.

-re: Cmt PU8: John's rationale is sound, but committee chose to leave maximum height at 150 feet.

-re: Cmt PU9: Committee opted to retain current wording. Regardless of setback, if noise at property line exceeds 40 dBA, application does not meet standard and will be disapproved. ZEO will remind applicant of this point and PB will also emphasize this point at informal sketch plan conference.

-re: Cmt PU10: Noted and appreciated; committee requests John send to us the Gipe article.

-re: Cmt PU11: Committee agreed with John that a noise assessment by applicant or by town should include the four elements of information cited on page 22 of the UMass (Amherst) White Paper, as amplified on page 23. A new Section 5F 3 would be added with the following draft wording: "Any evaluation of actual or potential noise impacts will include at least four points of information: (1) a survey or estimate of the existing ambient background noise levels, with background sound pressure levels measured for the specific wind conditions under which the turbine will be operating; (2) a measurement or prediction of acoustic power noise levels radiated from the turbine at the site; (3) identification of a model for sound propagation, including one that assumes all directions are downwind at some time ; (4) comparison of calculated sound pressure levels from the wind turbine with background sound pressure levels at the turbine site and at all adjoining property lines and rights of way."

If legal, the committee also opted to insert a new Section 5F 4 similar to the agreement provisions about setbacks at Section 5E. Draft wording would be to this effect: “The Planning Board may accept a written agreement between the NWPF owner and the owner of adjoining property, and between the NWPF owner and those with rights of way and easements on or through the NWPF owner’s property, for noise levels that exceed the requirements in Sections F and F1 provided that such agreement acknowledges the applicable requirements of this law and constitutes an easement that shall be recorded with the Columbia County Clerk to apprise any potential purchaser or subsequent owner of said adjoining property about the agreement.”

-re: Cmt PU12: Given latitude, blade size, and other factors researched previously, committee continues to believe that flicker is not likely to be a problem for small scale turbines in Ancram.

-re: Cmt PU13: No change necessary. Previous research puts FAA lights at 200 feet.

-re: Cmt PU14: Retain current wording. Utility company approval occurs after PB has rendered its decision and is a matter between the NWPF owner and the utility company.

-re: Cmt PU15: Committee opted to retain current wording.

-re: Cmt PU16: Committee decided that posting bond may be appropriate for commercial/industrial use of wind power, but is not desirable for the small scale use endorsed by the Comp Plan and this local law.

-re: Cmt PU17: Committee opted to retain current wording.

-re: Cmt PU18: Committee agreed with John; “inoperable” should be changed to “not in use.”

-re: Cmt PU19: Retained current wording. Dismantling the turbine and tower removes it as a potential eyesore. However, the materials remain the owner’s property and need not be removed from the owner’s land unless they present an eyesore subject to another local law.

-re: Section 5N: Approved Mr. Lyons’ edits about SEQRA.

-re: Cmt PU20: Noted. Retain current wording.

-re: Cmt PU21: Members were puzzled by Mr. Lyons’ question and believe that an architect’s estimate of anticipated electrical needs for new structures is clearly required by language in Section 6A 3c.

-re: Cmt PU22: Committee is grateful for John’s insight and approved his amendment about Visual EAF Addendum.

-re: Section 6A 3h: lower case “n” remains grammatically correct due to antecedent “including:” at A3 preceding this fragmented item.

-re: Section 6A 3I: Capital “A” is approved as this begins a complete sentence.

-re: Cmt PU23: Committee agreed with Mr. Lyons that SEQRA needs to be overtly included within the process described in Section 6B. Committee chose to insert SEQRA action immediately after Section 6B 2 a,b,c. The new SEQRA paragraph will take the place of the current Section 6B 3. The current Section 6B 3 will become Section 6B 4 and subsequent paragraph numbers will be changed accordingly. The committee requests that Ms. Stolzenburg or Mr. Lyons provide draft text for this SEQRA paragraph.

-re: Sections 6B 2, 6B 2b, 6B 2c, etc: Is it legally necessary to write out “ten” and also include numerical “(10),” “nine (9),” “sixty two (62)” etc? This practice subverts the principles advocated in reputable style manuals. Unless there is good legal reason, committee prefers not to follow common bureaucratic practice.

-re: Cmt PU25: Committee opted to forgo the addition suggested by Mr. Lyons. [Chair’s note: discussion was brief due to imminent closure of meeting; will validate decision at next meeting.]

-re: Sections 6B 2b,c and Cmt PU24/ 6B 4 and 6B 11: approved Mr. Lyons’ edits.

With appreciation for Mr. Lyons’ thorough review at both the micro and macro levels, the meeting adjourned at 9:10 p.m.