

***Antrim industrial wind ordinance/regulation must conform to:***

- RSA 672:1 - competing claims based on the array of obligations facing a local board – see e.g., RSA 672:1 which charges us with balancing renewable energy with agriculture, forestry, housing, commercial and industrial needs for land, as well as considering the environment and tells us at two locations that these are questions principally for local decision – RSA 672:1, I, IV
- Antrim Master Plan and Antrim Open Space Plan
- RSA 162-H
  - o Balance of environment and need for power
  - o Full disclosure of plans
  - o Full disclosure of financial capability
  - o Integrated permitting (taking account of federal and state permitting which is required in any event)

Issues to be considered

- What is the permitting process, that is, via “conditional use”, “site plan review”, “special exception” or otherwise?
- How much in ordinance? how much in regulations such as site plan review?
- What are the application requirements?
- Retention of outside expert in connection with drafting ordinance and regulations?
- Consultation with
  - o SWRPC
  - o State Office of Energy and Planning
  - o NE Wind Energy Program
  - o Other constituents of the SEC, e.g, Fish & Game, [issues if SEC takes jurisdiction]
- Where should a “use” of this kind be permitted?
  - Existing district or overlay district?
  - Should there be a core district relating to towers and a shoulder district relating to roads, transformers, interconnect, etc?
- If this sort of industrial/commercial use is permitted, what other industrial/commercial uses have a legitimate claim in this district?
- What safeguards are necessary to protect the legitimate interests of neighbors and, in particular, neighbors’ use and enjoyment of their property?
  - o Setbacks re
    - \_ height,
    - \_ noise and
    - \_ flicker
    - all potentially modified by noise easements from abutters
  - o Property valuation issues
  - o Design standards
    - \_ Engineering standards for turbine and electrical
    - \_ Visual impact
    - \_ Color
    - \_ Lighting -

- Utility buildings
    - o Site security requirements
  - What safeguards are necessary to protect neighboring communities?
    - o Notice of regional impact
  - What safeguards are necessary to comply with state and federal standards?
    - o Federal standards and permits
      - FAA, especially lighting – “just when needed” lighting?
      - NEPA
      - Historic Preservation
    - o State permitting
      - Wetlands
      - Alteration of terrain
      - DOT
  - What additional permits will be required by town and others to complete a project?
  - What safeguards are necessary with respect to interconnection with the grid – ISO?
  - What safeguards are necessary to protect the town?
    - o Removal on disuse; bonding
    - o Road access
      - What safeguard are necessary for the environment?
    - o Detailed Natural Resources Inventory/Natural Communities report
    - o Particular species studies
    - o Carbon footprint assessment
    - o Avian avoidance measures
  - What level of peer review is required and how is it to be paid for?
    - o Standards of submission
    - o Retention of consultants, etc. See RSA 676:4(b)(i)
  - What level of supervision/inspection of installation?
    - o Retention of inspectors – See RSA 676:4(b)(ii)
  - Assessing the financial viability of the project
    - o Review of financial capacity of the applicant
    - o Review of available-wind-to-electricity
  - Assessing the engineering viability of the project
    - o Site plan requirements