

ARTICLE XXX
Wind Energy Systems
[Added 5-4-2009 ATM, Art. 19]

§ 210-195. Purpose.

The purpose of this section is to:

- A. Promote the safe, effective and efficient use of Wind Energy Systems installed to reduce the on-site consumption of utility-supplied electricity;
- B. Minimize the impacts of Wind Energy Systems on the character of neighborhoods, property values, scenic, historic, and environmental resources of the Town; and
- C. Protect health and safety, while encouraging Wind Energy Systems and limiting obstacles to their installation and use.

§ 210-196. Applicability.

Construction and use of a Wind Energy System, Meteorological Tower or any part thereof shall be permitted in all zoning districts subject to the requirements set forth in this section.

§ 210-197. Definitions.

For the purpose of this section, terms shall have the following meanings:

WIND ENERGY SYSTEM (WES) – Equipment that converts and then stores or transfers energy from the wind into useable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system.

METEOROLOGICAL TOWER (MET TOWER) – A tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

TOTAL HEIGHT - The vertical distance from ground level to the tip of a wind turbine blade when it is at its highest point.

TOWER - The monopole, freestanding, or guyed structure that supports a wind turbine.

WIND TURBINE - A device for converting wind energy to mechanical, electrical or another form of energy.

§ 210-198. Use Regulations.

- A. A WES may be erected upon the issuance of a special permit by the Board of Appeals, provided that the WES is an accessory use to the primary use of the lot.

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- B. A Meteorological Tower shall be allowed as of right for a period of two years, subject to renewal by the Director of Municipal Inspections for one additional two year period. A Met Tower shall conform to all provisions of this section, with the exception of the requirement for a special permit.
- C. A WES shall be set back from property lines a distance which is equal to the total height of the WES, measured from the point of a tower base which is closest to the property line. A Wind Energy System may be located closer to a property line only under the following circumstances: a) the adjacent lot is held in common ownership with the lot on which the WES is proposed; b) upon provision by the applicant of a recordable easement from an abutting property owner(s) that is satisfactory to the Board of Appeals; or c) the WES will be mounted on a building.
- D. In no instance may the noise level at the lot line exceed 10 dB(A) over the average ambient nighttime sound level. In a case where the applicant is also the owner of the abutting lot, the distance shall be measured from the furthest lot line of the abutting lot. Any WES which is located at least 600 feet from a property line shall be presumed to meet this requirement.
- E. Unauthorized climbing access to the tower shall be limited by one or more of the following methods: a) by placing climbing apparatus no lower than 10 feet from the ground; b) by placing shielding over climbing apparatus or access; or c) by installation of a fence.
- F. Tower lighting shall not be permitted unless required by the Board of Appeals.
- G. A WES shall be properly maintained and kept in good working order by the owner at all times.
- H. A WES shall be deemed to have been discontinued if it is out of service for a continuous 24-month period. Upon receipt of a Notice of Discontinuance from the Director of Municipal Inspections, the owner shall have the right to respond to the Notice within 30 days of receipt. The Director of Municipal Inspections shall withdraw the Notice of Discontinuance and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates to the satisfaction of the Director of Municipal Inspections that the WES has not been discontinued. If the WES is determined to be discontinued, the owner of the WES shall remove the system at the owner's sole expense within three months of receipt of the Notice of Discontinuance. Failure to remove the system within said time period may subject the owner to action pursuant to Article XXIV.
- I. The visual impact of Wind Energy Systems shall be mitigated to the extent possible. Methods such as the use of landscaping, alternative locations, and non-reflective paint may be utilized.
- J. There shall be periodic inspection of the WES by a Registered Professional Engineer and submission of such reports to the Director of Municipal Inspections
- K. Nothing in this section shall prevent the co-location of wireless communications equipment on the tower, provided that all other provisions of this Chapter have been satisfied, including the issuance of all necessary permits.

§ 210-199. Administration

- A. A special permit is required from the Board of Appeals to erect or install a Wind Energy System. A record owner desiring to erect a WES shall file with the Board of Appeals an application for a Wind Energy System Special Permit, together with such plans, drawings, specifications, fees and additional information as required by the Board of Appeals.
- B. The Board of Appeals shall have the authority to waive specific provisions of this section upon a determination that the waiver is not inconsistent with the purpose and intent of this section.
- C. The Board of Appeals shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by MGL c. 40A, § 9 and Article XXII of this Chapter.
- D. Approval Criteria. Before the Board of Appeals may issue the special permit, it shall determine each of the following:
 - (1) The WES conforms to the use regulations and purpose of this section.
 - (2) The WES will not be detrimental to the neighborhood or the Town.
 - (3) The WES is an accessory use to the principal use of the lot.

If the Board of Appeals does not make all of the above determinations, it shall deny the application stating its reasons for such denial.

- E. The Board of Appeals may approve the special permit with conditions, which may include, but shall not be limited to, a performance bond, secured by deposit of money or negotiable securities, is posted with the Town to guarantee proper maintenance and/or removal of the WES. The amount of the performance bond shall not exceed the estimated cost of the WES removal.