Report on Changes to the Windham Enhanced Energy Plan

1/24/19

At meetings held on November 14, 2018 and December 12, 2018 the Planning Commission approved the following changes in the town’s Enhanced Energy Plan. These changes were made after consulting with the town’s attorneys in order to make the Enhanced Energy Plan more precise and consistent with the goals and policies of the Town Plan and the town’s Zoning Regulations, especially in regard to regulations pertaining to wind energy systems and solar energy systems that are permitted within the town.

The specific changes to the Enhanced Energy Plan that were made on 11/14/18 and 12/12/18 are as follows:

I. The following paragraph was be added at the top of page I to clarify the relationship between the Enhanced Energy Plan and the energy chapter (Chapter V) in the current Town Plan.

“This Enhanced Energy Plan is designed to update the energy chapter of the existing Town Plan.  The provisions set out in this Enhanced Energy Plan therefore both complement and supersede the energy chapter of the existing Town Plan.  To the extent that this Enhanced Energy Plan conflicts with any provision of the existing Town Plan, the provision of this Enhanced Energy Plan shall apply.  To the extent that a provision of the energy chapter of the existing Town Plan addresses an issue not addressed in the Enhanced Energy Plan, that energy chapter provision shall apply.”

II. For greater clarity, the list of criteria for Municipally Designated Preferred Sites on page 8 was divided into two sections, as follows:

All Municipally Designated Preferred Sites must meet the following criteria:

• Minimal impact upon agricultural use

• No disruption of wildlife travel corridors or living habitat

• Lack of impact upon the scenic resources of Windham as noted in the Town Plan

• No interference with riparian buffers

• Existing road structure suitable for installation and maintenance

In addition, Municipally Designated Preferred Sites must meet one, or more, of the following criteria:

• Town owned land, especially if it is cleared and has good solar orientation

• Proximity to 3 phase power lines to reduce utility infrastructure expansion

• Location near the end of utility distribution lines for grid support

• South facing slopes having low quality agricultural soils which allow higher density solar arrays

• Existing areas of open land such that significant deforestation would not be required

III. A fourth paragraph was added under the heading “Areas Unsuitable for Renewable Energy Siting” (p.9), as follows:

"High-elevation sites above 2000 feet are especially fragile for a variety of reasons, particularly because they are the source of the headwaters for numerous streams and rivers.  Because development in these areas could enhance the possibility of increased runoff and flooding which would endanger the health and safety of residents in Windham and/or downstream communities, these areas are only appropriate for limited, low-impact development.  Because installation and maintenance of solar arrays has a lighter impact than wind turbines, some small-scale (i.e. solely for on-site electricity consumption or net metered not to exceed 15kW capacity) and medium-scale (i.e. not to exceed 150 kW capacity) solar development may be appropriate, whereas anything more than small-scale (i.e. solely for on-site electricity consumption or net metered not to exceed 15kW capacity) wind development is not appropriate, and is therefore prohibited.  Furthermore, medium-scale solar development above 2,000 feet shall be limited to areas that are already cleared, such as former ski slopes, in order to minimize the impact on fragile natural resources.”

IV. In order to clarify the definition of a ridgeline and what development may or may not occur on ridgelines, Policy 3.1, Action Step 4 (page 20) has been revised to read as follows:

“Prominent ridgelines above 2000 feet elevation shall be left in their natural condition, free from all development. Ridgelines are defined as all land above 2000 feet. Ridgelines shall be left in their natural condition, free from all development, including roads, building structures, utilities, wireless broadcast telecommunications facilities, and industrial wind turbines. The town prohibits any commercial or industrial operations on its ridgelines other than forestry.

The following exceptions are permitted:

• Existing homes above 2000 feet may install solar arrays or wind energy systems for onsite electricity consumption if they abide by all relevant zoning regulations.

• Existing homes above 2000 feet may install net-metered solar arrays or wind energy systems not to exceed 15 kW capacity.

• Solar arrays not to exceed 150 kW capacity may be installed above 2,000 feet on former ski slopes which are already cleared.”

V. Bullet 3 of Policy 4.6 (p.21), which encouraged energy generation facilities located “…on agricultural soils only with facility design compatible with continued agricultural use…” has been eliminated to encourage landowners to erect alternative energy systems on land that is no longer used for agricultural purposes.

VI. To further clarify areas in Windham which are considered unsuitable for energy generation facilities, the second bullet point under Policy 4.7  (p.22) has been changed to read: “Fragile natural areas including ridgelines over 2,000 ft. elevation, subject to the exceptions set out under Policies 3.1 and 4.12”

VII. To have consistent sound standards in both our Zoning Regulations and our Enhanced Energy Plan, the Action Steps in Policy 4.10 (p.22) have been revised as follows:

“1. Turbines shall not be allowed or permitted unless applicant clearly demonstrates noise will not exceed the 41 dBA Fast Lmax daytime at the closest property line and 39 dBA Fast Lmax nighttime.”

VIII. Policy 4.12 (p.22) has been revised to read the same as Policy 3.1, Action Step 4.