

# NOTICE OF PUBLIC HEARING

## Town of Lincoln Zoning Ordinance Amendment



A public hearing of the Town Council of the Town of Lincoln will be held for all interested persons on **November 24, 2009**, at 7:00 p.m. in the Town Council Chambers, 100 Old River Road, Lincoln, RI for the purpose of considering the following amendments to the Zoning Ordinance.

The proposed amendments are available for review in the office of the Town Clerk during Town Hall business hours.

### **Ordinance 2009-14**

#### **AN ORDINANCE IN AMENDMENT TO § 260-7 and §260-14 OF THE ZONING ORDINANCE FOR THE TOWN OF LINCOLN**

The Town Council of the Town of Lincoln hereby ordains:

#### **ARTICLE II DEFINITIONS**

##### **§260-7 Definitions**

**Wind Energy Conversion Facility or Wind Facility:** All equipment, machinery, and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, towers, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

**Wind Turbine:** A device that converts kinetic wind energy into rotational energy that drives an electric generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

**Wind Energy Conversion Facility Height or Wind Facility Height:** the height of a wind turbine measure from pre-development grade to the tip of the rotor blade at its highest point or blade-tip height.

#### **ARTICLE III USE REGULATIONS**

##### **§260-14 Service Business Uses**

see attachment

##### **P. & Q. Wind Energy Conversion Facilities and/or Wind Facilities**

Any such proposed uses and structures located within the vicinity of historic structures, historic districts or designated scenic corridors shall not be approved unless such proposed uses and structures are so concealed as to be substantially invisible. The views of, and vistas from, such structures, districts or designated scenic corridors shall not be impaired or diminished by the placement of such uses and structures.

##### **1. Additional Submission Requirements:**

a. Any applicant for such uses or structures shall submit visual impact data including but not limited to photographic simulations of the proposed facility as it would be seen from residential areas, public rights of way, parks and other recreational facilities.

b. Location of proposed tower with radius map, showing the locations of all appurtenant structures, cables, wires, and access roads.

c. A maintenance and operation plan for the facility

d. Proof of liability insurance.

e. Approval of height of structure from FAA.

f. A statement certifying that the structure and facilities comply with the noise requirements of this Ordinance.

##### **2. Additional Findings Required by Zoning Board of Review**

The construction of a wind facility shall be allowed pursuant to this use table if the use complies with all requirements set forth in this Ordinance and applicable requirements of the Federal Aviation Administration. All such facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. The Zoning Board of Review may not grant a permit or variance unless it finds, in writing, that:

a. the specific site is an appropriate location for such use;

b. the use will not adversely affect the neighborhood;

c. there will not be any serious hazard to pedestrians or vehicles from the use;

d. no nuisance will be created by the use; and

e. adequate and appropriate facilities will be provided for the proper operation of the use.

##### **3. Support Towers.**

Monopole towers, rather than lattice or cable-supported towers, are the preferred type of support for wind facilities, and shall be used when a support tower is proposed. Lattice or cable-supported towers may only be permitted if it is demonstrated to the satisfaction of the Zoning Board of Review that the use of a monopole tower is impractical.

##### **4. Setbacks**

Except for building mounted facilities, a tower or structure supporting a wind turbine shall be set back a distance equal to at least 1.5 times the height of the highest point of the wind turbine from the nearest occupied building or property line.

##### **5. Color and Lighting**

All components of the wind facility shall be painted a neutral, non-reflective exterior color designed to blend with the surrounding environment, such as white, light gray or light blue.

Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety, security, and operational purposes, and shall be reasonably shielded from abutting properties.

##### **6. Noise.**

Audible sound from a wind facility shall not exceed 50 dBA for any period of time when measured at the property line of any residence, school, hospital, church or public library.

### **Ordinance 2009-15**

Article VI, § 260-34 C of the Lincoln Zoning Ordinance, entitled "Signs permitted in all districts" is hereby amended as follows:

The number of current subsection C (4) is hereby amended to C (5), and a new subsection C (4) is added as follows:

(4) Seasonal sponsor signs located at athletic/recreational fields that are leased from the Town by a youth sports league, provided that the such signs are only displayed from April 1st to October 31st, be no larger than 24 square feet in area, be installed in a secure manner to eliminate movement from wind/weather conditions and be maintained in good condition throughout the display period.

**This proposed Zoning Ordinance Amendment may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.**

All persons interested in the above are respectfully requested to be present at the time and place to be heard thereon. Individuals requesting services for the hearing impaired must call the Town Clerk at 333-1100 seventy-two (72) hours prior to the hearing date.

Karen D. Allen, Town Clerk