



ZONING BOARD OF APPEALS  
TOWN OF MONTAGUE  
ONE AVENUE A  
TURNERS FALLS, MA 01376

**NOTICE OF DECISION & VOTE**

**Applicant Owner:**

Urban Power USA Inc., by Mark Maynard  
180 Pleasant St.  
Easthampton, MA 01027

Case No. 14-06

Date December 10, 2014

**Premises Affected:**

(51/2) & Rear of S. High St.  
Turners Falls, MA 01376  
Assessors' Map 20 Lot 4 & Map 13 Lot 37  
F Co. Registry of Deeds: Bk 3432 Pg 158

Special Permit	(X)
Variance Application (40A)	( )
Section 6 Ch. 40A - Finding	( )
Site Plan Review	( )

Also see Appeal #11-09 of Section 5.2.1(b) "Public Utility" of the Montague Zoning Bylaws.

After a public hearing held on:

Wednesday, September 24, 2013

**SPECIAL PERMIT REQUEST:**

**The Board of Appeals Finds for SP #11-09:**

- Power lines are to be underground except for a final pole and aerial drop to South High Street from Lot 37 on Assessors Map13.
- Construction access is across land of an abutter, substantially by way of an existing drive.
- Access for maintenance shall be by path or trail from South High Street or by drive of the abutter.
- Clearing of land is proposed to be a 150' radius and generally limited to the selective clearance of larger interfering trees.
- The wind turbines are quiet and "will make no noise whatsoever". No complaints of noise are anticipated. *Applicant stated that the facility would be removed if noise occurs.*
- Wildlife will be largely unaffected by the turbines and the supporting structure. Ground structure will be poles and struts with climbing guards. The turbines' bulk is an easily avoided visual clue to birds and bats. Smaller prototypes have not caused bird or bat collisions or deaths.
- The slower moving drum turbines do not cause flicker or below audio pulses that have been associated with negative human health and comfort.
- Design parameters are to be based on a 130-mph wind speed using the International Electrotechnical Commission (IEC) 61400-2, part 2, Design requirements for small wind turbines, and ASCE-7 (costal).

**The Board of Appeals Finds for SP #14-06:**

- Power lines are to be underground except for a final pole and aerial drop to South High Street from Lot 37 on Assessors Map13. For application 14-06 the applicant modifies this statement and requests that power lines be allowed above ground where the slope is steep and rock or ledge prevents steep slope excavation.
- The wind turbines are quiet and “will make no noise whatsoever”. No complaints of noise are anticipated. *Applicant stated that the facility would be removed if noise occurs.* The applicant withdraws this statement and requests a decibel limit be established.

**THE BOARD OF APPEALS VOTED:**

To modify and re-issue Special Permit #11-09 as #14-06, to allow a single 73’ ground mounted 20 KW installation consisting of two 23’ tall by 26’ diameter vertical axis wind turbines largely out of sight of abutting residences.

The findings of Hearings #11-09 and #14-06 are applicable as conditions except as modified below

1. Such facility shall attach to and distribute the generated power through the WMECO distribution system. {refer to Appeal #11-09}
2. The tower design and attachments shall follow best engineering practices.
3. Guy wire supports are not anticipated in this approval.
4. Power lines shall to be underground except where the slope is steep and rock or ledge prevents steep slope excavation. Also a final terminal pole for an aerial drop over South High Street from Lot 37, Assessors Map13.
5. The safety fence requirement is no longer waved. An adequate fence shall be provided along with the proposed climbing guards for a composite safety barrier.
6. requests that power lines be allowed above ground where the slope is steep and rock or ledge prevents steep slope excavation.
7. The wind turbines shall be quiet. Violation of this permit shall be 30db at property lines. Intermittent or non reoccurring noise remedied in a timely manner shall not be considered a violation of this condition. The Board shall adjudicate any sound violation and may invoke new conditions up to and including revoking this approval.
8. Modification and Approval: Any changes proposed shall be reviewed by the Board of Appeals or its designee. The Chairman or designee may approve changes if in conformance with the intent of the Special Permit or may refer it to the Board. Changes consistent with the purpose of this approval may be allowed by the Board without further hearings. Further hearings shall be at the discretion of the Board. Approval shall not be unreasonably withheld.

**The vote of the Zoning Board of Appeals was as follows:**

- |                                     |            |                                     |            |
|-------------------------------------|------------|-------------------------------------|------------|
| 1. <u>Ernest L. Brown, Chairman</u> | <u>Yes</u> | 2. <u>John Burek, Vice-Chairman</u> | <u>Yes</u> |
| 3. <u>John Reynolds</u>             | <u>Yes</u> | 4. <u>Robert Sojka</u>              | <u>Yes</u> |
| 5. <u>Ericka Almeida</u>            | <u>Yes</u> |                                     |            |

**IMPORTANT:** Any appeal from the decision of the Town of Montague Zoning Board of Appeals can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (MGL) as amended, and must be filed in the office of the Town Clerk within twenty (20) days after the date of filing of the decision with the Town Clerk.

Board of Appeals

By \_\_\_\_\_  
Ernest L. Brown, Chairman  
Clerk  
Karen Casey-Chretien,

\*\*\*\*\*

Received for filing by Town Clerk: \_\_\_\_\_  
Time Date  
Twenty day appeal period ends: \_\_\_\_\_  
Time Date

I HEREBY CERTIFY THAT NO APPEAL HAS BEEN FILED WITHIN 20 DAYS FROM THE DATE THAT THIS DECISION WAS FILED WITH THE TOWN CLERK:

\_\_\_\_\_  
Montague Town Clerk  
Date

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*Notice to be recorded by Landowner*