

**Approved Amendments to Regional Policy Plan
Assembly of Delegates
April 20, 2011**

Minimum Performance Standards for Energy

MPS E1.7 – Clear Area

All WECFs shall maintain a Clear Area surrounding the base of the turbine equal to at least 1.5 times the height of the WECF, or the WECF manufacturer's fall zone, setback, or clear area specification, whichever is greater. The Clear Area setback shall be measured from the base of the turbine.

MPS E1.8 – Noise All Applicants for a WECF greater than 660 KW shall perform a noise study and fund a Cape Cod Commission approved consultant's review of the noise study, and adhere to a setback of 10 times the rotor diameter of the proposed turbine from the nearest receptor, or residentially zoned parcel, unless the applicant can demonstrate through a noise study, to the satisfaction of the Cape Cod Commission, that the projected sound levels, including both ambient and infrasound, would result in minimal impacts to occupants within a reduced setback. All DRIs shall, after consulting with the Commission's noise consultant, prepare a plan which specifies reduced operating procedures, including decommissioning plans, which address and mitigate noise complaints that may arise during operation of the WECF. Components of a noise study can be found in Technical Bulletin 11-001.

MPS E1.9 – Shadow Flicker

All Applicants for a WECF shall conduct an impact study of shadow flicker on receptors which will be affected by the proposed WECF. All DRIs with shadow flicker effects on receptors shall require the Applicant to submit for review and approval by the Commission a mitigation plan which specifies operational controls, landscaping, or other means that mitigate shadow flicker events to less than 10 hours per year.

MPS E1.10 – Decommissioning

Any WECF that has not been operational for more than 120 consecutive days shall be dismantled and removed from the site by the owner, operator, and/or other parties as designated by the decommissioning plan unless a written waiver is obtained for good cause shown from the Cape Cod Commission's Executive Director. The Applicant shall also provide security in a form and amount satisfactory to the Cape Cod Commission. The security shall cover over the life the WECF the cost of decommissioning and removing any abandoned or damaged WECF. This security shall be in place and payable to the Town or Commission on demand for the life of the WECF. All WECF DRI decisions shall contain a written decommissioning plan, which also addresses removal of the meteorological (or "met") tower.

MPS E1.11 – Municipal WECF Waiver

Because of the procedural, legal and political safeguards applicable to town appropriations

and the use of town-owned land, Minimum Performance Standards E1.8 – E1.10 shall not apply to one Municipal WECF 250 KW or less on a single parcel.

Proposed changes to other sections of RPP

HPCC 2.3 – Avoid Adverse Visual Impacts: New Development shall be sited and designed to avoid adverse impacts to visually sensitive areas, including those protected by HPCC 1.1 and 1.2. Visual impact assessments may be required as part of the project review. Development proposed adjacent to scenic roads or vistas shall preserve distinctive features of the scenic resource including tree canopy, wooded road edges, stone walls, winding road character, and scenic views. Development adjacent to or within scenic vistas shall be clustered and designed to limit the visibility of the new development.

Definitions

(Note: All definitions to be added to RPP. Those added to Enabling Regulations only denoted with *)

WECF* - All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines, and does not include meteorological (or “met”) towers.

Clear Area - Area surrounding a WECF to be kept free of any structure designed for human occupancy.

Shadow Flicker - Alternative changes in light intensity caused when rotating turbine blades come between the viewer and the sun, causing a moving shadow.

Meteorological (or “met” or “test”) Tower* – Tower used for supporting anemometer , wind vane and other equipment to assess the wind resource at a predetermined height above the ground.

Municipal Wind Energy Conversion Facility - Any WECF proposed, owned and operated by a municipality.

Height of a WECF - The distance from the pre-development natural grade of the site of the proposed WECF to the highest point of the structure, including any moving part which is a component of the WECF.

Road - A public or private way, other than a driveway servicing only the property which is proposed as the site of the WECF.

Receptor - A dwelling, or any non-residential structure which is designed and/or utilized for human occupancy.

