**ODNC [City Clerk to Insert Number]**

**ORDERED:**

**AN ORDINANCE TO AMend Certain provisions of THE Newburyport ZONING ORDINANCE pertaining to Wind energy facilites and towers along i-95.**

Be it ordained by the City Council of the City of Newburyport as follows:

**WHEREAS,** the City of Newburyport has a vested long-term interest in the creation and maintenance of renewable energy facilities; and

**WHEREAS,** the Commonwealth of Massachusetts, acting through the Department of Public Works and Public Works Commission, did on August 21, 1991 transfer to the City of Newburyport fee interest ownership of the so-called “Old Route I-95” Right of Way / Access Road (Assessor's Map 94 Lot 3), subject to certain restrictions and limitations; and

**WHEREAS,** the old I-95 access road land adjacent to I-95 may provide one or more viable locations for the construction of new wind turbines with little or no impact to abutters, in particular due to the lack of residential homes in the area;

**Therefore, let it be ordained THAT** uses number 616 and 617 in subsection V-D of the Zoning Ordinance entitled “Table of use regulations” be amended pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions **double stricken-through and in bold**, and additions **double-underlined and in bold**:

| **6. INDUSTRIAL/INFRASTRUCTURE**  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| USE  | NUM  | CON  | HSR-A, HSR-B  | R-1  | R-2  | R-3  | B-1  | B-2  | B-3  | I-1  | I-1B  | I-2  | M  | WMD  | WMU  |
| Wind Energy Conversion Facility  | 616 | **NP****SP(g)** | NP | NP | NP | NP | NP | NP | NP | SP(g) | SP(g) | NP | NP | NP | NP |
| Wind Monitoring or Meteorological Tower  | 617 | **NP****SP(g)** | NP | NP | NP | NP | NP | NP | NP | P(g) | P(g) | NP | NP | NP | NP |

**AND FURTHER, THAT** Footnote (g) of the “Table of use regulations” contained within Section V-D of the Zoning Ordinance be amended pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions **double stricken-through and in bold**, and additions **double-underlined and in bold**:

(g)  Subject to special permit regulations; please refer to section XXVI for further information. Site plan review is not required for wind energy conversion facilities. **Within the Agricultural/Conservation (“Ag/C” or “CON”) District Wind Energy Conversion Facilities and Wind Monitoring or Meteorological Towers shall only be permitted within the Old I-95 Right-of-Way / Access Road corridor on the East side of present day I-95 (Assessors Map 94 Lot 3).**

**AND FURTHER, THAT** Subsections 1 and 2 of Section XXVI-C (entitled “Applicability and criteria”) be amended pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions **double stricken-through and in bold**, and additions **double-underlined and in bold**:

1. The construction of any wind energy conversion facility shall be permitted in the **Ag/C (“A/C” or “CON”),** I-1 and I-1B zoning districts, a minimum distance of three hundred (300) feet from a residential zoning district, subject to issuance of a special permit and provided the proposed use complies with all dimensional and special permit regulations set forth in sections F and G of this section.
2. Wind monitoring or meteorological towers shall be permitted in the **Ag/C (“A/C” or “CON”),** I-1 and I-1B zoning districts, a minimum distance of three hundred (300) feet from a residential zoning district, subject to issuance of a building permit for a temporary structure. Only one (1) monitoring or meteorological tower per lot is allowed.

Councillor Barry N. Connell